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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

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THIRTEENTH CONGRESS.—FIRST AND SECOND  
SESSIONS.

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THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

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THIRTEENTH CONGRESS—FIRST AND SECOND SESSIONS.

COMPRISING THE PERIOD FROM MAY 24, 1813, TO APRIL 18, 1814,  
INCLUSIVE.

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two countries engage in war. Can it be true, that persons who have expatriated themselves under such circumstances, can be bound to allegiance to their original country? Could such have been the understanding of any of the persons concerned? It does seem to me to be at war with the plainest principles of reason and humanity. In this case, the population is thrown off upon the principle of self-preservation in respect to the original country; it is received into the second, upon the principles of humanity; and afterwards, forsooth, it turns out that they are bound to be the enemy, or at best, but inefficient friends to the country in which they reside; into which they have been hospitably received, and by the laws of which they have been protected. Doctrines leading to such consequences cannot be true.

But, sir, it is the practical consequences of this pretended right of Great Britain, of which we have the greatest cause to complain. Under the pretext of impressing English sailors, thousands of native-born American seamen have been forcibly dragged from their ships, their country, and friends, and compelled to endure a state of military imprisonment on board British ships of war, to fight against those who were not their enemies, and for those who had despoiled them of their liberty, and all which can endear life to man. It is true, the British Government disavows this practice, but it is equally true that it is persisted in; and it is equally true, that they are not ignorant that such must be the consequence of the practice of impressment.

Gentlemen here lay great stress on what they are pleased to call the necessity of Great Britain's exercising this practice in order to secure her maritime power, which power, they say, is necessary to preserve her existence. I do not admit, sir, that the overgrown power now possessed by Great Britain is necessary to her existence; but, if it is, it is no argument with me for abandoning any of our rights. This doctrine of necessity, as applied to the British navy, is extremely vague; and if settled as a principle, would lead to consequences, by a very plausible kind of reasoning, which would destroy the maritime rights of every other nation. The naval superiority of Britain is necessary to secure her existence; the naval superiority of Britain cannot be supported without just as much of the commerce of the world as she deems necessary to effectuate this object; therefore, Britain ought to have the monopoly of all commerce; she ought to carry for all; she ought to buy and sell for all, if necessary to support her navy. Gentlemen, I hope, are not prepared to admit this; but really, when we see the various attempts which the British Government have made to change the old settled principles of national law, or rather to introduce new principles, I am compelled to believe she desires something like such monopoly. I am, for one, not prepared to yield to the correctness of her reasoning as to the necessity of pursuing such a course for the security of her national existence, or the existence of her Government; neither am I, admitting its correctness, willing to surrender

any of our rights as an independent nation, in order to secure that object. Let us stand firmly by our own rights, and depend upon our own exertions for security.

Sir, I will not enter into an examination of the question, whether this war was declared at the precise point of time when it ought. I will not endeavor to prove that it ought to have been declared sooner, or that the declaration ought to have been postponed awhile. We are engaged in war, and the great desideratum seems to be, in what way we can most probably get out of it without loss or disgrace. Neither will I undertake to investigate the question, whether this war has been skilfully conducted or not. I feel unable to say that it has been ably managed; it does seem to me, that the means furnished have not been well directed to the end. But this does not furnish to my mind a sufficient argument for withholding the means. When we furnish the means, we have done our duty; the responsibility will not rest on us; and I am entirely averse to take on myself the responsibility that might be consequent upon a denial of the means.

I will now come to the question presenting itself more directly by the bill under consideration. This bill proposes to authorize a loan, the object of which is to procure money to defray the expenses of the war. We have passed sundry bills with a view to the prosecution of the war, which are all dependent, as to their efficacy, upon this; all of which will be entirely lifeless without this. This is necessary to add sinews and give motion to the whole machinery. Is it not expedient to pass it? I hold that it is. In reflecting upon this subject, I have concluded in my mind, that it is always expedient, when a nation is engaged in a state of war with a strong Power—with a Power capable of taking advantage of its errors and endangering its rights—to prepare amply and prosecute the war vigorously, without reference to the original cause of the war. I would pursue this course, sir, because I would be unwilling to put to hazard any of the unquestionable rights of the nation, by a feeble and inefficient course of warfare; because, sir, I would rather the nation to which I belong would have it in its power to dictate the terms of pacification than to be dictated to. I am not willing to admit, that as an individual, there are not many acts of injustice which I would rather suffer than do; in which I would rather be acted upon, than be the actor; but, sir, I will frankly declare, that I would rather take upon myself the proper dividend of almost any act of injustice to a foreign nation, than my portion of the disgrace that might be consequent upon a war feebly and inefficiently prosecuted. The nation against which we are making war, is a strong nation; of this we have ample evidence; very recently by her prowess, and through the means of her financial resources, the gigantic power of Bonaparte has been broken and dissipated in Spain and Portugal; she has been the very soul, the animating principle, and given sinews to that formidable league on continental Europe, which has defeated and driven the Emperor

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of France within the limits of his own empire. Have we then nothing to fear from her enterprises upon the supposition of remissness or negligence on our part? I apprehend we have. We present to her enterprises a frontier of about four thousand miles, vulnerable to her and her red allies at many points; already has she seized and held for more than a year, one of our territories; it is still vulnerable; one of our States is feeble in population, and in a manner severed from the rest of the nation. If we are remiss, will she not have it in her power to seize upon some weak point and hold it, demanding as the price of restitution some commercial sacrifice not before brought into view? She may tell you, we will not yield this advantage without an equivalent; this equivalent may be some restriction on your commerce; or it may be the entire use of the lakes, with barrier towns on this side to secure that object, or both. Have we any pledge that our enemy will not have the disposition to make the most of any successes consequent upon our negligence? The history of her usurpations, exactions, and bloodshed in India, will answer the question; and the affair of Copenhagen will guaranty that answer.

Sir, the history of all nations and ages will admonish us against remissness or negligence in the conduct of a war. I will cite one or two examples. The history of the origin, progress, and termination of the second Punic war, between Carthage and Rome, exhibits to us an awful warning against any the least remissness. The ostensible origin of that war was the territorial limits of the two nations in Spain. Rome admonished the Carthagenians against crossing the river Iberus, and against molesting the people of Saguntum, her ally; she was probably right in so doing; she claimed not anything of Carthage in Africa. The Carthagenians regarded not her admonition; a large, well-disciplined army under Hannibal, the General of Carthage, the greatest warrior of the age, commenced its march for the invasion and subjugation of Rome; this army crossed the Pyrenees, traversed the length of Gaul, crossed over the Alps, and fell down upon Italy; several great battles were fought, in which the arms of Carthage prevailed; and by the great victory of the Carthagenians at Cannæ, the power of Rome seemed to be almost annihilated; it seemed to be limited to the walls of the city. Here was an important crisis in this war; immediately after this victory, the Republic of Carthage ought to have amply and promptly supplied their General with fresh troops and money. Carthage was remiss; the consequence was, that the power of Rome revived; and finally, the fate of Carthage was settled on the plains of Zama. She was compelled to sue for peace; she lost her possessions in Spain; she yielded Rome tribute, and was ignominiously restricted in her navy and commerce. Now, sir, although I do not indulge a fear that it will be as bad with us as with Carthage; yet I cannot but fear, that through negligence, we may lose much; that we may be compelled to submit to terms disgraceful in themselves;

and as I would, as a Carthaginian, have regretted the lack of the means which, in all probability, would have led to the subjugation of Rome, in preference to the losses and degradation of my own country, without reference to the cause of the war; so, as an American, I would regret that we should sustain any losses, or be compelled to submit to degrading terms; and I would the more regret it, if it should seem to be the consequence of negligence. I would prefer that we could dictate the terms of peace, rather than be dictated to, without any reference to the cause of the war.

A strong example, sir, to show how unreasonably nations at war will rise in their terms with success, is exhibited in the celebrated war in Europe for the succession to the Spanish throne. In that war, Lewis XIV., with the greater part of the Spanish nation, was arrayed on the one side, contending for the right of a Bourbon to the throne; on the other, the Emperor of Austria, the United Provinces of Holland, and England, contending in favor of a descendant from the House of Hapsburg. In the progress of the war, Louis was so hardly pressed, that he offered, in order to secure his own dominions, to withdraw his forces from aiding his connexion; but so much were the allies elated with their success, that this would not satisfy them; they demanded that he should turn his arms against the competitor of the Bourbon family, his grandson. He refused this, and the result was such as it ought to have been. I am decidedly of opinion, that it is expedient to authorize the loan. The honor, interest and safety of this nation, I believe, require it.

I will vote, sir, for this loan, with a view to pave the way for a vigorous prosecution of the war; and I am decidedly opposed to any legal geographical limit to our military operations; I am unwilling that we should by law, as some desire, confine our exertions to our own territory. If we were thus to limit ourselves, the enemy would have it completely in their power to choose the time and place of battle, and could never be expected to fight us but when they were able to beat us: if we marched an army to any point of our frontier to oppose and give them battle, they would not be there unless able to beat us; but you would immediately hear of some incursion into our territory in some other part; march an army to this second point, and you will not find them unless in sufficient force to beat you. Again, sir, under this system of confining ourselves to geographical limits, the enemy will be permitted to make the utmost of any victory obtained near our borders, whilst on the other hand the crossing the line in flight will save their routed armies. I cannot consent, sir, to shield a flying foe by an act of Congress. I wish, sir, to see this war conducted according to the best rules of the art: the sum of which is, to produce to our enemy the greatest possible loss of blood and treasure by the least possible loss on our side. I believe this will be better effected by concentrating a sufficient force and making an invasion of their territory, than by waiting for their enter-

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prises upon our territory. I would prefer that the territory of our enemy should be the theatre of military deeds, rather than our own.

I have not entered into any nice financial calculations, or made any deep researches into the principles of political economy, in order to be able to determine whether the people of this country will be able to loan to the Government the money contemplated; but I believe, judging from past occurrences, that it may be obtained: I believe it to be necessary, and I cannot bring my mind to vote against this bill upon any speculations of this kind. If we pass the bill, and the money cannot be obtained, the fault will not be in us; we will have discharged ourselves of responsibility. But, sir, I will take the liberty of remarking, that if the present state of things continue long, this Government will not be able to borrow money to meet the exigencies of the times; or will be compelled to give a most exorbitant rate of interest. This nation is now prohibited from selling anything and permitted to buy much. The purchases of foreign articles, it does seem to me, must be paid for in specie; this will produce a drain of our specie; as specie becomes scarce, its comparative value will rise; men who have capital of this sort will of course either lay it out in the purchase of property advantageously; or, upon loans, will exact a much higher rate of interest.

Sir, much has been said in relation to the rights of majorities and minorities; and with respect to what each may rightfully do. I do not mean, sir, to enter into any tedious discussion upon these subjects; but I feel somewhat interested in stating what I believe to be my duty as one of the legislators of this nation. I believe it to be my duty to endeavor to understand the true bearing of the questions proposed here; as well in relation to the Constitution which bounds our powers, as to its political consequences, as a measure of expediency, not disregarding any facts which may stand connected with it; and, after having obtained as correct a view of the subject as my mental powers will permit, to give a vote that will accord with the judgment of my mind. When I have taken this course, I will have my own approbation; I will be supported by consciousness of rectitude. Really, sir, I cannot yield that it is incumbent on me to pace through this hall and inquire of every member what will be his vote, in order to determine on what side the majority will fall, with the view to determine in what way I shall vote. I may be put down for not pursuing this course; I am prepared to meet such event. I will endeavor—it is my duty—to submit to all Constitutional acts of the majority; but I am not bound to declare they are wise or expedient.

There has been much said on the subject of parties in a Republic; we have been eloquently admonished against the evil effects of party spirit in a minority. Sir, my opinion is, that the exertions of a minority may be productive of evil consequences, when steadily pursued as an embodied party; such exertions may encourage a

foreign enemy to persevere in a course of hostile policy, and may have the effect of driving the majority into a crooked, wavering, and feeble course of policy. But whilst I admit the dangers and evils to be apprehended on the one side, I will not be forgetful that there are dangers on the other. Fearless, then, of the frowns of any party, I declare to you that I believe, that whenever the liberties of this nation are destroyed, it will be done by a majority. Party spirit seems to me to be growing apace in this country; and the arts of obtaining and perpetuating party power are fast developing themselves; to what consequences they will lead, I cannot say with certainty. But really, sir, I cannot but indulge in fears that I will live to see the day when everything of rational liberty will be annihilated by some majority; when all the honors and emoluments of the nation will be disposed of, at the whim and caprice of three, four, or five of the leaders of the majority: and all these things will be managed with the forms and in the name of liberty, under the warmest professions of attachment to the public weal. I cannot fix upon any precise time for the happening of this event; but I believe I can give you many of the signs; and when all the signs are seen by men of discernment, they will verily know that the event has come to pass. When this event happens, there will be dispersed through this nation a host of hireling editors of newspapers, busily engaged in puffing their employers, and moulding and fashioning public sentiment by deception to suit their views. When this event happens, this country will swarm with little demagogues, whose appropriate business will be to sound the praise of their leaders, and misguide public sentiment; playing, at the same time, the part of sycophants to their leaders, and the deceivers of the people; looking for their reward, and willing to be sent here and wire worked by the great political jugglers in the way which may best suit their purposes. In those days, every sentiment deemed important by the leaders will be made a test, an article of political orthodoxy, and all who will not assent will be considered as heretics: it will not be enough that a man is attached to the Constitution of his country, and that he has acquired a character for integrity and good sense—he must praise his leaders—his sentiments must be in perfect accordance upon all points. Then will be heard denunciations against all who have not precisely pursued the course marked out; made for the purpose of whipping in the timid and crushing the firm. When this crisis arrives, this hall, which ought through all time be the great watch-tower of liberty—from which the language of the patriot might be heard in the voice of warning; and from which the rays of political truth might be shed abroad by open, fair, and manly discussion, will on favorite occasions be silent as death: by the use of the previous question, and upon the ready plea of the necessity of despatching business, discussion will be silenced; and this hall present to the eye a college of silent recorders. Then will the rights of all who have independence of mind to disap-

prove of the course of a party, however much it may merit it, consist of obedience to their will.

Whatever others may think, my judgment and feelings conspire and embolden me to say, that a majority may err. It was corrupt majorities, if my memory serves me correctly, that, by their intrigues with Philip of Macedon, paved the way for his subjugation of the Grecian Republics. The triumvirate of Cæsar, Pompey, and Crassus, wielded a majority of the Roman Senate. Cromwell had his majority in the English Parliament—yes, sir, he had his entire Parliament. Robespierre had his majority in the French National Convention. Even Nero observed the forms of the Roman Republic, and had his majority in the Senate of Rome.

Mr. PEARSON addressed the Chair as follows:

Mr. Chairman: The extent and variety of this discussion may, perhaps, tend to impair the real importance and intrinsic solemnity of the subject immediately presented to our consideration. It is, however, so intimately connected with the characteristic policy and avowed objects of the Administration, as to render their separation almost impracticable, and may well justify, if not positively demand, some inquiry into that policy and those objects. By the bill on your table, together with the issue of paper called Treasury notes, for five millions of dollars, it is proposed to obtain thirty millions of dollars on the credit of the Government, to be applied exclusively to the military and naval service of the current year; the whole receipts from taxes, and other sources of revenue, not amounting to more than the payment of interest on former loans, the stipulated reimbursement of part of the old debt, and expenses of the civil list. The first question which presents itself is this: Can the Administration borrow, on terms which they ought to accept, the immense sum now proposed? I profess not, sir, any peculiar skill in finance, and but a limited knowledge of the fiscal concerns of this country. I will, therefore, not hazard a positive opinion as to the practicability of obtaining the proposed loan, though I have no hesitation in believing that it will not be obtained with the facility imagined by some gentlemen, and that the practical resources of the country, in its present situation, have been greatly overrated.

The honorable Chairman of the Committee of Ways and Means, (Mr. EPPES,) in a manner perhaps required to insure success to his measures, exhibited a very flattering prospect of the aggregate value of our country—the annual profits of industry—and the probable amount of necessary and unnecessary circulating medium. I object not to the effort of that gentleman, to convince us of the ability of the country, and the interest of the money holders to lend, when his object is to borrow. In private life, when a proposition is made, or a favor asked, the appeal is made to our ability or our interest. If our charity is applied to, the excellence of that cardinal virtue is not only portrayed by the successful mendicant, but his claim becomes irresistible the moment he persuades us that virtue is eminently our own.

All estimates of the character of those which the gentleman has furnished, must, in their nature, be uncertain, because their great basis rests principally on conjecture. Were I asked to set a price on the soil of my country, which would compensate its present possessors for the abandonment of it, and oblige them to seek existence in other climes, I would indignantly say, Not the accumulated wealth of the world could for a moment tempt us to part with the land of our fathers—our inestimable inheritance. In this point of view, the estimate of the capital of the country at \$2,567,480,000 is far below its intrinsic value. If, on the contrary, the idea is intended to be conveyed that this sum constitutes a disposable capital, or a fund from which is derived a profit in any considerable degree equal to the ordinary interest of money, such a supposition is too illusory to require refutation. Without examining the several items which are assumed as constituting this general aggregate of our wealth, I will content myself with examining one only; and should it appear to have been overrated nearly one hundred fold, the elaborate superstructure of the honorable chairman must necessarily be shaken, and the whole fabric left for its support on little more than vague conjecture and visionary speculation. The item I allude to is \$800,000,000, the estimated value of our wild unappropriated lands. What those lands may be worth some centuries to come I pretend not to say; but it is a well known fact, that the average proceeds from the sale of them for the last six or eight years has not exceeded \$600,000; and as this seems to be the era for conquest, and further extension of our territorial limits, I doubt whether we can, for many years to come, calculate on increased sales of unappropriated lands. Taking, then, \$600,000 as the annual value of this fund, it is evident a disposable capital of ten millions would yield an equal income. The conclusion is irresistible, that this estimated capital of \$800,000,000, employed in the manner in which it is, and probably as it ought to be, is only equal to ten millions of specie, or other active capital. Thus, for all practical financial purposes, the estimated value of those lands is eighty fold beyond their real disposable value. Sir, we might as well boast of the value of the air we breathe, or of our political institutions, as to talk of a fund which cannot be brought into action, or in any way converted to meet the pecuniary exigencies of the Government. The comparison, I think, for the purposes of the argument, a fair one. This little book (the Constitution) is worth to my country more than would be the wealth of Europe—at the same time it can be purchased in any book shop for the cost of printing and paper. The sum which could be raised from the exclusive sale of it, would bear no imaginable proportion to its intrinsic value—so also must be the result of all calculations, for financial purposes, on those wild lands, and a vast proportion of undisposable capital in this and every other country.

The gentleman (Mr. EPPES) has also favored us with an estimate of the annual income arising



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from his assumed capital. To this the same general objections will apply; the premiums being assumed, the conclusions are necessarily inconclusive. The result of this estimate gives to us an annual income of \$255,849,600. The first remark which occurs to me is the very extraordinary circumstance of the gentleman having omitted to discriminate between the net and gross income, arising from any given object; we are, therefore, totally at a loss to know whether to consider this result as comprehending the net or gross income arising from the capital of the country. I presume, however, it is a mixture of both, and therefore affords a latitude for conjecture, too broad to arrive at the truth. It cannot be net income, because the amount exceeds twelve per cent. on the given capital; a result which the most sanguine cannot admit. It cannot be gross income, because it is well known the annual produce from agriculture exceeds \$19,640,600—as is sufficiently proved by the official reports of annual domestic exports—which in better times amounted to nearly fifty millions of dollars, and would now exceed that amount were it not for the war and that deadly incubus, the Embargo, which presses to death the resources and activity of the country. The sum allowed for commercial income may remain as a rule for other times; at present we have no commerce, and consequently no income from that source.

Without examining all the items of this account of the honorable chairman, I cannot avoid noticing the last, though not least, article on the list. It is the product of other occupations, including manufactures, as stated in the last Census, amounting to \$172,000,000. This, I presume, must be intended as the gross product, and indeed it is so gross as not to be susceptible of application by the Government, to any purposes of finance. I admit, with great satisfaction, the intrinsic value of our domestic manufactures; our people, of almost every description, particularly of the laborious class, are clothed with the fabrics made, for the most part, in their own families. This is as it ought to be, and is far preferable to those hotbed manufacturing establishments which spring up in times of national depression, and can only flourish on the ruins of agriculture and commerce, particularly in the Southern and Middle States, where our dispersed population, our fertile fields, and extensive seacoast, all point to the plough and the ship as the instruments of their wealth and prosperity—as the means most conducive to national good and individual virtue.

I would seriously ask gentlemen, what revenue they could expect to derive from a tax on the domestic manufactures of the Southern, Middle, or even Western States? Were this attempted, it might not literally take the bread out of the mouth of the laborer, but it would strip him of the garments he wore; it would bear most heavy on the poorer class of citizens, and in proportion to the number of women and children in a family, in that proportion would such a tax operate on them. In the States which I have mentioned we have no surplus manufactures; and from all the States the

exports of manufactures, I believe, cannot be calculated at more than half a million of dollars. The exports from those sources did not, the last year, exceed about three hundred thousand dollars. From this course of reasoning I am warranted in concluding that, for Government use, or financial purposes, this immense sum of \$172,000,000 dwindles down to about half a million of dollars, and that more cannot be made out of it, unless we are doomed to go naked.

The honorable chairman, having fixed the capital and productive income of the country, proceeds to ascertain, by a process I profess not to understand, the amount both of necessary and unnecessary circulating medium. The necessary circulating medium he estimates at about \$47,000,000, and the surplus at \$53,000,000, making in the whole one hundred millions of dollars, of which he conceives fifty-three millions may be loaned to the Government. Permit me here to remark, that this calculation appears to me to be at war with all those correct principles which govern the transactions of moneyed capitalists. It would be perfect folly for them to put into circulation more medium than is necessary for the demands of commerce, and the ordinary gradual improvement of the country; if they attempted it the surplus would return upon them, or the rate of interest would be reduced in proportion to the excess of paper set afloat. The present high rate of interest contradicts the idea of the existence of such a superabundance of circulating medium. The actual specie in the United States does not exceed twenty-five millions of dollars; this is generally held by the banks, and their paper literally constitutes the circulating medium, and not a dollar can be obtained from the banks at less interest than about seven and a quarter per cent., consequently, whatever may be the nominal amount of bank capital, they cannot keep in circulation more than the amount necessary for the objects which I have stated, which the gentleman admits to be forty-seven millions of dollars. I am inclined, therefore, to think the actual circulating medium, in times of ordinary prosperity, does not exceed fifty millions of dollars. This paper medium, resting on a specie capital of not more than twenty millions, will not, with safety, admit issues to a greater amount.

Already has the Government borrowed within the last two years near forty millions of dollars, most of which has been obtained from the banks, and from individuals who make the banks the instruments of enabling them to comply with their engagements. The fair and honest ability of the banks to lend does not exist to a much greater extent, unless the stock of the Government is considered a safe fund on which they may issue their own paper to any amount.

If this be the case, it is evident the whole system is a tottering fabric of credit; the Government relying on the credit of the banks, and the banks resting on the credit of the Government. If this confidence does exist, and is likely to continue, I would ask, why not issue Government paper at once, and save the enormous interest now

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paid to the banks, and run the chances of depreciation, instead of depreciating it ourselves by giving a premium for other paper, which may depreciate equally soon? I mean not to advocate a project of this sort, my object is only to show that the present system is bottomed on credit alone, and therefore may fail.

The present unfortunate situation of the country adds much, in my judgment, to the force of those remarks. If we had a flourishing commerce—if there existed a free, reciprocal intercourse between the several States—if there were a perfect community of interests, and a riveted confidence between the various sections of the country, and especially between the moneyed men and the moneyed institutions in all the States, the prospect would be greatly changed. In those events, credit might be relied on to almost any imaginable extent. But, sir, this unfortunately is not our lot. Blocked up as we are by the enemy's squadron on our coast; corked up by our still more unmerciful Embargo and Non-importation laws, calculated, as it were, to fill up the little chasm of ills which the enemy alone could not inflict; the entire coasting trade destroyed, and even the pittance of intercourse from one port to another in the same State prohibited; the planters of the Southern and Middle States, finding no markets for their products at home, are driven to the alternative of wagoning it hundreds of miles in search of a precarious market in the Northern and Eastern States, or permitting it to rot on their hands. Many of those articles which are, or have become by habit, necessary for their comfort, are procured at the most extravagant prices from other sections of the Union. The balance of trade, if trade it may be called, from these and other causes being so entirely against the Southern and Middle States, the whole of our specie is fast travelling to the North and East; our bank paper is thrown back upon the institutions from which it was issued, and as the war expenditures are proportionably inconsiderable in the Southern and Middle States, where the loans have been principally obtained, the bills of those banks are daily returning, and their vaults drained of their specie, to be locked up in the Western and Eastern States, never to return but with the return of peace and commerce. The extraordinary and alarming demands which have lately been made from Boston on the banks of New York, and which I understand are progressing to the South, prove these remarks not to be the mere effect of fancy.

But, sir, admitting for the argument, that the bank capital is as great as has been supposed, and their notes, which constitute the circulating medium, are in amount equal to the demands of Government; does it follow that this medium is so regulated as to be safely obtained from the banks, and effectually applied to the wants of the Government? If gentlemen suppose the real circulating medium is increased in proportion to the number of banks established in every section of the country, they are greatly deceived. Bank paper being the representative of specie, the re-

spective spheres of bank notes will be circumscribed, in proportion to the greater number of banks by which they have been issued; because it is the policy and interest of banks, in order to save their coin, not to receive in payment or give circulation to notes of distant banks. If such notes are received, it is for the purpose of redeeming their own, or demanding the specie, and therefore cannot be considered an eligible, or indeed a circulating medium at all, except to a limited extent, often confined to a particular county or State. In ordinary times this inconvenience may not be severely felt; an active commerce and free exchange of commodities between the different States would lessen the evil. But, sir, in times of commotion and of unusual expenditure, when the Government cannot adapt its local expenditures to its local receipts, when the ordinary routine of business is broken up, bank paper will not be receivable beyond the neighborhood of its own institution, or will be immediately thrown back upon it. Those institutions must necessarily become more limited and more guarded in their operations, or a failure must be the consequence. The reliance of the Government on this kind of circulating medium must be precarious. Suppose some of the principal banks were to contract for the greater part of the proposed loan, and issue their own paper on the credit of the stock to be created; these bills not finding general circulation, or a shock given to the institutions, either by accident or mismanagement, what would be the situation of Government? Their finances would be deranged, their credit impaired—enriched with a debt, but their coffers empty.

Without venturing an express opinion whether the proposed loan can be obtained from the citizens of our country, I will be allowed to express a truism—that the power of Government fairly to borrow, must depend on the ability of the people fairly to lend. This ability may be judged of, by each gentleman estimating the proportion which his constituents would have to contribute in the Constitutional mode of taxation and representation. By this mode of calculation, one of the counties which I have the honor to represent, (Rowan,) would have to contribute about ninety thousand dollars—her proportion of the present three million direct tax being about nine thousand dollars, consequently her proportion of thirty millions would be ten times that amount. Although this is a fertile and populous county, its inhabitants are unable to contribute such a sum in this or any other year, without a sacrifice of their farms and the ordinary comforts of subsistence. The same remark will apply with equal force to the other counties constituting the district I represent, and perhaps with equal force to every district in the State.

Leaving this view of the subject, which may be considered in a great measure speculative, I find other objections to the bill crowding on me with a force not to be resisted. It is sufficient for me to know that thirty millions of additional debt are about to be saddled on my country for the military operations of this single year. It is

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enough for me to know that the expenditures of the Government, from January, 1812, to January, 1815, will have exceeded ninety millions of dollars, exclusive of many millions of outstanding claims, and that the public debt will, at the close of the present year, exceed one hundred and five millions of dollars. This brings me again to reflect what is the proportion which my constituents will have to pay, agreeable to the Constitutional mode of taxation, and unless you restore peace and commerce no other mode can be adopted. For the sake of brevity I will take one county, (Rowan,) as before; her proportion of three millions being nine thousand, (I speak in round numbers,) the amount of debt at the close of the present year being one hundred and five millions, the proportion of this one county will be three hundred and fifteen thousand dollars, the annual interest of which, at seven per cent., will be twenty-two thousand and five dollars. This, sir, is more than the surplus product of their industry, and more than they are able to pay.

For what, then, it may be naturally inquired, is this mass of debt created—those mighty sacrifices to be made? Is it to prosecute a war of conquest against the British possessions in Canada? I believe this is the object. If so, without stopping to calculate the chances of success, which are gloomy indeed, if we may judge from what has passed, I hesitate not to say, it is an unprofitable contest, unworthy our efforts, and will illy requite our toils. For my single self I would not give a draft on the fallen Bonaparte for my share of the spoils which he has committed on our commerce, for all the advantages which, in my judgment, will result from the acquisition of Canada.

Gentlemen, however, tell us, their ulterior object is "free trade and sailors' rights." Are those objects to be attained by the conquest of Canada? Do you expect to barter the fancied conquered territories for "free trade and sailors' rights?" Whatever opinions might have originally been entertained on this question, they exist no longer. Canada once taken, you cannot get clear of it without giving up the Western States at the same time. No, sir, it will be fixed on you, although "free trade and sailors' rights" should never be heard of more. The little fleeting success which followed the achievement on Lake Erie last Fall, brought forth the real, though till then latent sentiments of the Western States. Their language was unequivocal—Canada must not, shall not be given up. The present Administration would not, and perhaps could not, resist this Western torrent. Canada once taken, even were we disposed to surrender it, I doubt whether it would be a valuable article of traffic in our hands; I doubt whether Great Britain would desire the repossession of so precarious a tenure. Those provinces would forever after be at our command; the inhabitants would be our tenants at will, and subject to our good pleasure. To retain possession might be attended with vast expense and danger to our country. Great Britain might desire to recover by force what was lost by force,

but in no other way could the possession be either valuable or secure. Admitting Canada to be taken, (and that we have the physical force to take it I do not deny,) I demand of the advocates of this war to know what is then to be done. Do they mean to plant their standard on the walls of Quebec, apportion out the lands to the conquerors, and sing a requiem to "free trade and sailors' rights?" These questions never have been satisfactorily answered. It is time the people should know and understand them. My humble opinion is, if any legitimate object exists for the prosecution of this war, that object is not to be obtained by the conquest of Canada; I therefore advise the abandonment of this phantom, at least during the pendency of the present negotiation. Husband the resources of the country—do what you can for commerce and the navy, and, above all things, prepare for defence, by affording competent protection to your bleeding frontiers and exposed seacoast. Do those things which manifest a sincere love of peace—a guardian care for your suffering and exposed citizens—in a word, give a native, home-bred character to your war, and should peace not be the result you will not be forsaken, at least by me, in the hour of peril.

Gentlemen in the majority, still thirsting for conquest, attempt to treat with ridicule the suggestions from this side of the House, to suspend offensive operations. If there is anything ridiculous in the idea of a nation declaring war, merely to invite attack, that they may have the privilege of repelling it, let it be remembered that we the minority are innocent; the majority alone are answerable for this state of things, if it does or should exist. This, however, is not a fair statement of the question; it is not whether we are to become conquerors by acting on the defensive, but it is whether the resources of the country shall be exhausted in projects of ambition and of conquest—whether the whole military force shall be employed against Canada, and your homes and firesides left to take care of themselves. Sir, our paramount duty is to secure our homes before we seek adventures abroad.

Mr. Chairman, I was not a little surprised to hear an honorable gentleman from South Carolina (Mr. CALHOUN) say, the other day, that competent protection had been afforded to the exposed parts of the country. Sir, the Government has not afforded competent protection; the melancholy scenes which have lately been witnessed on the Northern frontier, prove, that whilst your armies were recovering from their late disasters, and securing themselves on the borders of Canada, threatening another assault in the Spring, the frontier of New York, to the extent of fifty miles, was laid waste by a handful of the enemy's troops, and the innocent inhabitants delivered over to captivity or slaughter. Let the gentleman inquire of Virginia and North Carolina what protection they have had from the General Government; let him, on his return home, visit the tomb-stones of many brave and respectable citizens of those States, who either fell by the hands of the enemy, or became the untimely victims of

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exposure to a climate still more ruthless, and this, too, in the performance of that duty which ought to have been assigned to the regular soldier, for the want of that protection from the General Government which every State is entitled to by the express letter of the Constitution.

Early in the last year, representations were made to the General Government of the exposed situation of the coast of North Carolina, and some small aid ardently required; the application was treated with neglect or contempt; the just apprehensions of danger on the part of our citizens were attributed to imaginary fears. Thus unprepared and unprotected, the enemy came—the State was invaded—some of our towns taken possession of; what depredations were actually committed I know not—what might have been committed, I leave to gentlemen nearer the scene than myself to inform the House. Such was the general alarm, and such the real danger, that the militia, nearly as high as the centre of the State, were called into service to repel this invasion; unarmed, unaccounted, and unprovided as they were, they flocked, as they always will do, to the standard of defence; many of those worthy men were kept in service during the unhealthy months of Autumn, exposed to a climate to them unnatural and more terrible than the enemy; many of them found in the swamps of Carolina untimely graves.

At this very period, too, there were at different rendezvous in the State several hundred regular soldiers, lolling in their tents and fattening on the public spoils; these precious mercenaries were too sacred to be employed in the inglorious service of defending the State; not a company were ordered to our relief; they were reserved for nobler purposes; they were destined for the glories and rewards of conquest, whilst the breasts of our respectable citizens were made the medium for the bayonet of the enemy, in defence of our families and our homes. If this is what the gentleman calls protection, I pray to be delivered from it. The same gentleman has also reminded us of our apprehensions and predictions in relation to our exposed towns and seacoast. I will only remark, that those predictions have, to a considerable extent, unfortunately been realized; and that they have not been fully so, is not owing to any efficient protection from the General Government. That gentleman ought to be the last to talk of prophecies; he, if I mistake not, once turned prophet, and told this people, as an inducement to embark them into this war, that Canada would be conquered in six weeks; this entitles the gentleman to a distinguished place among the false prophets.

Mr. Chairman, however much this war was justly deprecated in its origin, however disastrous and hateful it may have become in its progress, I acknowledge, with peculiar satisfaction, that my apprehensions for the existence of my country, its laws, and institutions, have greatly subsided. The events in Europe, as unexpected as they have been sudden and glorious, have cleared the ancient horizon of the gloomy despo-

tism which had well nigh overwhelmed and extinguished every ray of freedom in Europe, have dispelled the mist which has so long clouded our atmosphere, and exposed to public view the tendency of our ill-fated policy. Yes, sir, for my country, and for the cause of humanity, I do rejoice that the charm of Napoleon's invincibility is broken, that the chains he had prepared for mankind are rent asunder, and that his power is about to become harmless, if not totally annihilated. A new birth has been given to liberty in Europe, and I trust it will be cherished with a holy zeal. With ourselves, I no longer consider the unfortunate contest in which we are engaged, as involving the question of the *guillotine*; no longer whether we "shall or shall not be a people." Many valuable lives may yet be lost in the prosecution of this war, the country may be overwhelmed with a debt, which centuries of prosperity will scarcely enable our posterity to pay; much individual suffering and privation may be inflicted, and thousands of corrupt, and corrupted sycophants of power may feed and fatten on the public spoils; but the balance of power in Europe restored and preserved, the good sense of this nation must and will rid us of war; our liberties will outlive the storm, and our Constitution survive the wreck. Suppose the scene to have changed, and Bonaparte at this moment giving law to the whole Continent—England, our present enemy, might and probably would fall; she could not long resist the colossal power of the mighty tyrant; what then would be our fate? Is there a virtuous man among us, what lover of his country, whose nerves are so strong as not to tremble at such a prospect? Our own country, the only then remaining nursery for anything like the great principles of free Government, would have fallen a prey to the great spoiler. Our liberty alone would afford a sufficient temptation, and we should experience the reality of a tyrant's love.

Some gentlemen of the majority, particularly the honorable member from Louisiana, (Mr. ROBERTSON,) shudder at the idea of England's increased power and influence. It would have been well for the country, had those gentlemen calculated differently and more accurately the doctrine of chances, before we were involved in this war. What their calculations on the events of Europe really were, I pretend not to say. The prospect was too big not to have been seen, and ought to have been regarded by all prudent politicians. I well know what were my own fears, and those of my political friends—the very reverse of what has come to pass. It cannot be forgotten that the storm was gathering on the Continent, while the clouds were lowering here; it burst upon Russia almost at the same moment it flashed upon us; the legions of France poured into Russia, while our forces marched towards Canada. This extraordinary coincidence could not well have been the effect of accident or chance. Gentlemen could not but reflect on the consequences and the effect of our apparent co-operation. If they regret the result of the European



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contest, they must have desired the success of Bonaparte; they must have prepared themselves to encounter the scenes which I have but so feebly described, and which have filled my mind with so much "secret dread and inward horror."

The present situation and prospects of Europe, so far from threatening the existence of our country, afford to my understanding the animating prospect of returning peace, and ought to stimulate our desires and efforts to restore its blessings. England, it is true, has now less to fear; she may give more efficient protection to her Canada possessions, and increase the annoyance of our exposed seacoast; but her power is not essentially increased. Our country is in no danger of being overrun; were this attempted, it would become the holy cause of defence, in which there would be no division; in such a cause, even "weakness would become strength." Were it necessary, security against the power of England would be found in those nations who have lately redeemed themselves from the yoke of Bonaparte. Can it be believed that the *spirit* which animated the betrayed Spaniard, and armed him with all the energy of despair; the *spirit* which nerved the arm of the Russian, and kindled up a holy flame among the subjected nations of Europe, will be so easily extinguished? That those nations who have thus successfully thrown off one tyrant, will immediately bend their necks to another? Sir, I will not believe so meanly of them. They have an interest in the proper limitations of power; they have an interest in commerce and in the ocean; they have an interest in our friendship and our prosperity. These considerations, while they tend to lessen the imagined power of England, offer additional inducements for us to desire peace; they imperatively demand that we should repeal the embargo, and the whole black catalogue of restrictions on commerce, which serve only to impoverish your citizens, and make sport for your enemies. All imaginable inducements for continuing your suicidal restrictions are now at an end; all the ports of the Continent are now open to us and to Great Britain, she can neither be starved by our embargo, or thrown into insurrection by our non-intercourse: repeal, then, your embargo; let our industry find its reward in the hungry markets of Europe; this will give enterprise to seamen, and raise the drooping spirits of the laborer.

In reviewing the leading policy of the Administration for the last six or seven years, the mind is struck with the peculiar tendency (whatever may have been the motives) of that policy to a direct and unequivocal co-operation with the avowed objects of France. What has been the great and primary object of France? The destruction of England. Despairing of effecting his purpose by invasion, or the chances of ordinary combat, the tyrant of France conceived the gigantic project of accomplishing the destruction of Great Britain by a total interdiction of her commerce with all other nations. All the great Powers on the continent of Europe were either

compelled or seduced into a co-operation with this great continental system, which, in the language of Bonaparte, in order to be effectual must be complete. The history of the various decrees and regulations by which this system was to bind up the commerce of the world, and the practical conformity of this Government by its embargoes, non-intercourses, non-importations, &c., has been so fully and clearly stated by an honorable gentleman from Massachusetts (Mr. BIGELOW) as to forbid even an attempt at repetition. The honorable gentleman, however, seemed to think, that while France demanded and enforced compliance from the nations on the Continent, in the most public, official, and dictatorial style, there was no official document to prove that a similar demand was made on the Government of the United States.

It is true, sir, the public have not been peculiarly favored with official knowledge of our relations with France, and as Congress only gets such scraps and extracts as the Executive deems fit to communicate, and some of them most secret and confidential, it is not a matter of surprise that such a record as the gentleman speaks of should not be found on our tables in *hac verba*; but, sir, we are not without evidence, and that, too, of the most public and positive character, given by Bonaparte and his Ministers on this very point. Turn to the Berlin decree of 1806, and the Milan decree of 1807; there you will find all nations, without exception, required to conform to the maritime code of France, and denunciations, threatening the enraged vengeance of France to alight on those who refuse or neglect to comply. When the American Minister at Paris humbly asked whether the treaty which then existed between this country and France was thus to be violated, by including America in the scope of those decrees, the answer was at first a little equivocal, but soon became certain by the capture and condemnation of our vessels, and the explicit declaration of Champagny "that the law was general, and admitted of no exceptions." What demand could have been more public than those decrees; what more explicit than their practical operations on our commerce, and what more official than the written declaration of the Minister of Foreign Affairs? I ask gentlemen, what better testimony could we have given of prompt and ready acquiescence than by our embargo of December, 1807; the recommendation of which was the immediate consequence of despatches from France, and not a knowledge of the Orders in Council of Great Britain? This self-destroying measure met the smiles and approbation of Bonaparte; he pronounced it a magnanimous resistance to the maritime tyranny of Great Britain. While this measure was continued and enforced with vigor, it was applauded by the great author of the continental system. Whenever the sufferings and clamors of our own oppressed citizens caused a temporary relaxation, we were denounced and punished for disobedience. I will not tax you, sir, with the disgusting recital of the multiplied and uniform declara-

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tions of the Emperor of France, and the language of all his State papers, showing the character of his continental system, and proving the estimate placed by him on our compliance. Those decrees are declared to be the fundamental law of his Empire; the flag is to be considered an extension of territory, and the nation which suffers it to be violated, forfeits its neutrality. In March, 1811, (previous to a knowledge of our unfortunate non-intercourse law of that month,) the Emperor, in an address to his Council of Commerce, thus expresses himself: "The fate of 'American commerce will soon be decided. I will favor it if the United States conform themselves to these decrees. In a contrary case their vessels will be driven from my Empire. The 'commercial relations with England must cease.'" Thus, sir, we are not left to conjecture to know what was the judgment of Bonaparte on those who refused to give full effect to his continental system. In what light he considered our restrictive system, and particularly the law of March, 1811, may be collected from the following extract from the *Mercur de France*, a Parisian journal of high authority, published in April, 1811; after speaking of the measures adopted against England by the *European* allies of France—"the Americans (says this journal) on 'their part, are establishing in the New World, 'another continental system, which draws still 'closer the blockade to which England has subjected herself by menacing France," &c. The French gazettes all hold a similar language, and take it for granted that we have become members of the *Imperial League*. These opinions emanate from the Emperor himself.

If further evidence of the demands of Bonaparte on this country to conform to his system, were necessary to prove that nothing short of unconditional compliance, or war with England, would appease him, I would refer to the correspondence of Mr. Barlow, our late Minister to France. When this gentleman submitted his project for negotiation, and placed, as he says, our relations in a point of view both novel and impressive, the Emperor did not know how he could reconcile the provisions to the principles of his great continental system. But, sir, in the absence of all other testimony on this subject, I have a document before me, the authenticity and official character of which is now no longer to be denied or questioned, which proves the most unequivocal and formal demand on our Government to accede to the maritime confederation. I allude to the celebrated letter of General Turreau, late Minister of France, to Robert Smith, Esq., late Secretary of State, dated June 14, 1809. Among the least of the abominations contained in this letter is the following paragraph:

"I have thought it was not incompatible with my duty to submit to the wisdom of your Government, the new chances, which the changes brought about in Europe offer to the commercial interests of the United States, and the inconveniences which may result from their refusal to accede formally to the principles of the maritime confederation."

That we have been formally and officially required to conform to the views and policy of France, I think I have fully established; how far we have yielded to those and that policy by our restrictive systems, and how far embraced them by our war, I leave to history to decide, and the impartial world to judge.

Mr. Chairman: It is time we should pause; it is time we should seriously reflect, whether any, and what essential, practical, attainable good is to result from the prosecution of this war; the great object for which it was declared—the Orders in Council—has now ceased to exist. The question of impressment alone remains; this question I do believe can be so arranged as to exempt our native seamen from abuse, and to give to Great Britain reasonable security against the employment of her seamen on board our public and private vessels. The right asserted by Great Britain to impress her subjects from on board our merchant vessels may remain undecided. The abuses of which we complain have arisen in a great degree from the troubled state of the European world, and the peculiar inducements which our merchant service held out for the employment of foreign seamen, and not solely from the assertion of an abstract principle—a principle which, I may be permitted to say, is recognised and practised on by France and every maritime nation of Europe. But, sir, if the right is denied; if the claim, set up by Great Britain, to impress her own subjects, is totally unfounded, have we the power of compelling her to abandon it? Is there a gentleman in this House; is there an intelligent man in the nation, who does, or can believe, that the abandonment of this right is to be extorted by the war in which we are engaged? I believe not, sir.

It is not a little remarkable that we should now be at war for an object which did not produce the declaration of war; for a principle which was never even attempted to be adjusted by the present Administration, previous to the commencement of hostilities, and which was totally overlooked or disregarded in the arrangement made with Mr. Erskine in 1809, and is not named in any of the conditions to our restrictive laws by which commerce and intercourse were to be restored with Great Britain. This perhaps exhibits a phenomenon in the history of wars and politics. Believing the question of impressment susceptible of practical arrangement, I have always deemed it unfortunate that the instructions given to Messrs. Monroe and Pinkney, in the attempted negotiation, during the Administration of Mr. Jefferson, required an absolute abandonment of the right, instead of leaving a discretion with the Commissioners, or devising some equivalent by which the abstract right might have remained untouched, and reasonable security afforded against the complaints of both parties. To show that our Government, in their negotiations on the subject of impressment, uniformly stickled for the abandonment of the right, instead of attempting to regulate its exercise, I will refer to the instructions of Mr. Monroe, in 1804, and

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the correspondence which terminated in a treaty with Great Britain, signed by our Commissioners, Monroe and Pinkney, and an arrangement on the subject of impressment, which those gentlemen declared to be both safe and honorable to the United States; but all of which, unfortunately, were rejected by Mr. Jefferson.

The first article in those instructions requires from England the renunciation of the "claim to take from on board our vessels, on the high seas, any person whatever, not in the military service of the enemy." In the observations of Mr. Madison on this article, he says: "Were the right of Great Britain in this case not denied, the abuses flowing from it would justify the United States in claiming and expecting a discontinuance of its exercise. But the right is denied, and on the best grounds." In the progress of the discussions on the subject of impressment, we are informed by Monroe and Pinkney, "the British Commissioners felt the strongest repugnance to a formal renunciation of their claim to take from our vessels, on the high seas, such seamen as should appear to be their own subjects; and they pressed upon us with much zeal, as a substitute for such an abandonment, a provision that the persons composing the crews of our ships should be furnished with authentic documents of citizenship, the nature and form of which should be settled by treaty; that these documents should completely protect those to whom they related," &c.

This proposition was rejected. Our Commissioners were asked to state what equivalent they could offer for securing to Great Britain the services of her seamen, if the right of impressment were abandoned.

The only proposition in reply was, that provision might be made for giving the aid of the local authorities of the United States to apprehend and restore deserters from their vessels; and that laws should be passed, to be reciprocal, making it penal for the commanders of American vessels to take deserters from the public or private vessels of Great Britain. This proposition only relating to cases of real desertion, was of course not deemed a sufficient equivalent. Had we then thought of going the length of excluding British seamen from on board our vessels, (as has been since done by what is called the seamen's bill,) the result might have been different. If indeed our Administration were disposed, at that time, to accept a treaty on any terms.

The British Commissioners having assured Messrs. Monroe and Pinkney that their Government was willing to do anything in its power to satisfy the United States on the ground of their complaints, which might be done without a relinquishment of their claim, they presented a note containing an arrangement on the subject of impressment, which was acceded to by our Commissioners, and of the contents of which they thus speak: "We persuade ourselves that by accepting the invitation which it gives, and proceeding in the negotiation, we shall place the

'business almost, if not altogether, on as good a footing as we should have done by treaty, had the project we offered them been adopted.' This arrangement, (as I before stated,) was rejected by our Executive, and whether the price of this war will purchase a better arrangement, or give greater security to our seamen, is to my mind extremely problematical.

An honorable gentleman, (Mr. INGERSOLL,) I will not say the "principal Representative," but certainly the principal speaking Representative from Pennsylvania, in an elaborate speech the other day, passing the Orders in Council, and scarcely glancing at the question of impressment, in his deep researches, brought forth a new, and hitherto unforeseen cause for the war, and an additional inducement for its continuance.

This discovery is found by that gentleman in the violation of the principle "that free ships make free goods." This principle may be convenient to France, or nations possessing little maritime strength, and who are frequently engaged in wars; but to us, who are capable of being our own carriers, whose interest it is to have our own vessels employed in our own trade, and not in that of other nations; and who are, or may become, a great commercial and maritime Power, such a principle cannot be desirable. That it is not the established law of nations, I have no hesitation in asserting. It is unnecessary; it would be worse than idle now to discuss the principle which the gentleman has so much labored. Let it suffice to know that every Administration in this country has practised on the contrary doctrine, and no one of them contended for the doctrine now advanced, as being necessary for the interest of this country, or sanctioned by the law of nations. The treaty made by Mr. Jay with Great Britain in 1794, contained no such principle. The celebrated instructions to Monroe and Pinkney, written by the present Executive, and sanctioned by Mr. Jefferson, expressly disclaimed such a principle. For the satisfaction of the gentleman, (Mr. INGERSOLL,) and that only, I might add the authority of Mr. Clay, one of the Commissioners intrusted with the negotiation to be opened at Gottenburg, directly militating against the doctrine "free ships make free goods." Having mentioned the name of one of our negotiators, (Mr. Clay,) I may be permitted here to observe, that although I am not without hope and expectation of a favorable termination of the war, bottomed on the propositions of the British Government, which have been acceded to by our Administration, I confess this hope and expectation is not strengthened by the knowledge I have of the sentiments of the gentleman to whom I have alluded; on the contrary, I do not conceive that any attainable treaty with Great Britain can be signed by that gentleman, consistently with his declarations publicly uttered in this hall, and afterwards deliberately written and published to the world. That I may be distinctly understood, and avoid doing the least possible injustice to a gentleman who has his admirers, and who is not

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present to hear me, I will not trust to my recollection for a recital of his opinions, but refer to a speech delivered by him on this floor, on the 8th of January, 1813. From this speech it appears that Mr. Clay was one of those who would not acknowledge that had the Orders in Council been repealed before the war was declared, the declaration would not have been prevented; after expressing this sentiment, he says, "I have no hesitation, then, in saying that I have always considered the impressment of American seamen as much the most serious aggression." What is meant by the term American seamen, is explained in another part of this speech; and is made to comprehend all persons except enemies' subjects. Speaking of the British principle of impressment, he says, "What is this principle?" She contends that she has a right to the services of her own subjects. That in the exercise of this right she may lawfully impress them, even though she finds them in our vessels, on the high seas, without her jurisdiction. Now I deny that she has any right without her jurisdiction to come on board our vessels, upon the high seas, for any other purpose but in pursuit of enemies, or their goods, or goods contraband of war." He then proceeds to say, "when nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned."

The British principle of impressment, being the right now in controversy, unless that principle is surrendered by Great Britain, no treaty (according to the doctrine of Mr. Clay) can be made without the abandonment of the object for which he says the war was declared, and is now prosecuted. Who is there among us so sanguine as to believe the British claim to impress her own subjects from our merchant vessels will be abandoned? Is not the principle now substantially admitted, or at least the controversy waived by the Administration, in their acceptance of the proposition to negotiate on the basis of the public law of nations, and the maritime rights of Great Britain? And is not the point of honor substantially yielded by this House by what is called the seamen's bill?—a bill (although some of its provisions are extremely objectionable) which I voted for; and on the principles of which I rest with some confidence for an arrangement of the question of impressment. This bill met the decided disapprobation of Mr. Clay. He threw upon it an air of ridicule and declared "Lord Castlereagh would laugh at our simplicity;" he complained that the Administration had erred in the steps which it had taken to restore peace, "not by doing too little, but in betraying too great a solicitude for that event. An honorable peace (says the gentleman) is attainable only by an efficient war. My plan, (says he) would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike where we can reach the enemy at sea or on land, and negotiate the terms of peace (at St. Petersburg? No. At London? No. At

Gottenburg? No) "at Quebec or Halifax." With such sentiments as these, am I not warranted in saying that no attainable treaty can be signed by Mr. Clay, without involving him in the grossest inconsistency, or without a total revolution in his opinions? I trust, as the Administration appears to have yielded, he will also bend to circumstances.

To return to the gentleman from Pennsylvania, (Mr. INGERSOLL,) the peculiarity and contradictory character of whose remarks excited some attention. He mentioned the treaty negotiated by Mr. Jay in 1794, and approved by General Washington. His breast appeared to labor with denunciations against that treaty, to which his lips refused to give utterance. One evil consequence of that treaty, he remarked, was the displeasure of France, and our subsequent troubles with that nation. Are considerations of so humiliating a character, said Mr. P., to govern a nation which boasts of its spirit and independence? Are they to influence the ardent spirits whose motto is "free trade and sailors' rights," and who have now put everything dear to the country at hazard? Has it come to this, that peace with any other nation is not to be sought for, for fear of offending France? I am not without my suspicions that this fear of offending France was not among the least of the causes for rejecting the treaty of Monroe and Pinkney, in the year 1807, without even submitting it to the Senate.

The violent, outrageous opposition to Jay's Treaty, under which this country enjoyed the most unexampled prosperity, during its continuance, is sufficiently remembered, and recorded in the history of those times. Nothing but the god-like influence of Washington could have allayed the storm of faction excited by those, and the friends of those, who now talk so much about the dangers of opposition. The effigies of Mr. Jay and other distinguished advocates of this treaty were burnt in various sections of the country, and even that of General Washington did not escape those rude indecencies.\* Mr. Chairman, the opposition of those days was not, as now, confined to the honest and conscientious expression of opinion, and the exposure of wicked men and measures. No, sir, the Constitution formed no barrier to Democratic fury. The laws were resisted, and the standard of rebellion reared on their ruins. The country was threatened with the revolutionary scenes of France, and the pretended Republicans were then as clamorous to embark hand and hand in the cause of France as their successors are now for "free trade and sailors' rights." How those scenes terminated, and how some of the principal actors have been rewarded, it is unnecessary to relate.

\* I am confident I am not mistaken in stating that General Washington was burnt in effigy. The fact is recorded in the publications of the day. But, as I am informed by the honorable Speaker (Mr. Cheves) and others, the effigy of General Washington was not among those of Mr. Jay and others, which were burnt in Charleston, South Carolina, in the year 1794.

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Mr. Chairman, the gentleman from Pennsylvania, (Mr. INGERSOLL,) in his great zeal for hunting up the causes and objects of the war, told us at the last session, (when taxes were the order of the day,) that if this war occasioned the establishment of a regular system of taxation, it would be well worth the cost. I trust the gentleman is satisfied with the progress which is making in such an establishment. If he is not, I hope the people will be before the present loan is obtained, and the countless millions which are expended, repaid.

The gentleman stated, in a speech delivered some weeks ago, that, with or without the original causes of the war, Canada must, and ought to be ours. He said, also, that the military reputation of the country demanded the further prosecution of the war; it was necessary to retrieve the character which had been lost or tarnished by the disgrace and disasters which had attended our military operations. In this sentiment, there is a tincture of ambition; it might become a military despot thus to think and speak. I recollect just such a sentiment fell from the French Minister soon after Bonaparte was driven out of Russia. The Emperor could not make peace without having another battle. He had too much military fame to lose, &c.

The gentleman, (Mr. INGERSOLL,) however, in his last speech, (perhaps forgetting what he had before said, or possibly changing his opinion) declared that we were the weakest people in the whole family of human societies, and that we had performed wonders in this war, eclipsing the deeds of our fathers in the Revolution. I object not to this apparent inconsistency in the gentleman's remarks, especially when they tend to diminish the inducements for continuing the war; but if he continues to present additional causes for the war, and inducements for its continuance in every speech he makes, I must assure him, that whatever satisfaction I might derive from hearing him on other topics, none is experienced from efforts tending to remove the prospect of peace further and further from our view. One more remark of the gentleman, and I am done with him. He attributes the success of Great Britain and her triumphs over Bonaparte, not so much to military or naval prowess as to the operations of finance. At the same time he says, the Ministry who have accomplished those things are the weakest England ever had. I will only remark, that if military and financial operations are successful in proportion to the weakness of those who direct them, we too are not without hopes of victory; our Treasury may yet be overflowing.

Mr. Chairman, there was a time, and that not very distant, when the people of this country shrunk with horror from the idea of the calamities of war. There was a time when the present Chief Magistrate considered none but a defensive war legitimate, or warranted by the spirit and genius of our political institutions. He then thought, or pretended to think, that of all the enemies of public liberty, war is perhaps most to

be dreaded, because it comprises and develops every other. War is the parent of armies; from these proceed debts and taxes. And armies, and debts, and taxes, are the known instruments of bringing the many under the domination of the few. In war, too, the discretionary power of the Executive is extended; its influence in dealing out offices, honors, and emoluments, are multiplied; and all the means of seducing the minds of the people are added to those of subduing the force of the people. Such sentiments as these were once entertained by the man who brought us into this war, and who is exercising that dangerous extended discretionary power, which he himself in other times so justly deprecated. But those times have changed, and he has changed with them. In 1798 we had a handful of men; they were commanded by Washington and Hamilton; the men now in power, and their advocates then trembled for the public liberty. If there was cause to fear an army of six thousand men in 1798, under such commanders, who can measure our danger now with an army of sixty-three thousand, directed by an Armstrong, and governed by a Wilkinson?

Mr. Chairman, much clamor has been heard from the majority against the course of Opposition, which the minority find themselves bound, by judgment and conscience, to give to the fatal policy which is forced on them. I should not notice the remarks of gentlemen who sounded their complaints and denunciations on this subject, were they not subversive of the great first principles of civil liberty, and calculated to encourage the wicked and mislead the ignorant. In what does our opposition consist? Are your laws resisted? No; we obey them all. Do we refuse to pay our taxes as far as we are able? No. Do we refuse to do militia duty when constitutionally required? No. The head of our offending must consist in this—we do not always speak well of you and your measures, because we cannot consistently with truth. We yet claim and exercise the privilege of inquiring into your policy, discussing your propositions and condemning wicked men and measures, as our judgments dictate. Because we will not give up those plain, unsophisticated every-day rights, and because their exercise is not at all times most soothing to the majority, those rights are attempted to be wrested from us, by the introduction of a new political dictionary, by which inquiry is made to mean *toryism*; discussion, *moral treason*; and the exposure of weak or wicked men and measures, *hostility to the Government*! Sir, my opposition is and shall continue to be directed by the best dictates of my understanding, for the best interests of my country. It shall be tempered with a prudent zeal. It shall be bounded by the law and the Constitution, and, if assailed within those ramparts, the ruffian tyrant shall be repulsed at every hazard, because he aims his blow at the vitals of the Constitution and the liberty of the citizen. In time of war, inroads on the essential principles of free government are most easily effected. It is then that Executive power makes its encroach-

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ments, and *machiavellian* corruption is set afloat. It is in times like those that the true patriot ought to redouble his vigilance in guarding and defending the passes to his liberty. I am sufficiently acquainted with human nature to know the ill effect of giving the sanction of high authority to false doctrines; the ignorant, and often the good man, is deluded, and the wicked always avail themselves of it, to let loose the worst of passions to gratify private hatred or party malice. I may be permitted here to remark, that even in the section of country where I reside, and where the majority are opposed to the policy of the war, men were found who joined in the cry, "War is now declared, opposition must cease;" trusting, I presume, to the purse and sword which the war had placed in the hands of the Executive, some were found sufficiently emboldened to declare, the time is near at hand when no man would dare to own himself a Federalist. In the district represented by my honorable colleague, (Mr. YANCEY,) I have understood, but vouch not for its correctness, that a ticket, and perhaps the only one, given at one of the separate elections, for his opponent, who was denominated the peace candidate, was, at the close of the election, *tarred and feathered*; and the innocent voter, who dared to think for himself, was in some danger of sharing the same fate. I mention this circumstance, not from previous reflection; it occurred to me at the moment, and certainly not with a view of exciting the sensibility of my colleague, or reflecting on any of his respectable friends. It is a practical illustration of incorrect doctrines, and the danger of factious majorities.

The gentleman from Tennessee (Mr. GRUNDY) has favored us with an improved edition of his former doctrine of moral treason. I trust that the gentleman is now as tired of hearing this absurd term of his own creation, moral treason, as he ought to be of the rope which he informed us was so twisted round our necks that it could only be cut by the sword of war. He attempts now to enforce his doctrine by the authority of the late Dr. Witherspoon, who attempted to reconcile the conscientious scruples of some of his more ignorant countrymen, in favor of the American Revolution. Sir, the gentleman from Tennessee does the most manifest injustice to the memory of that worthy man by the analogy he has drawn. The object of Dr. Witherspoon was to quiet the scruples of conscience in the midst of Revolutionary throes, when there was no Constitution prescribing the rights and duties of the citizen; when there was no law but that of power to govern the conduct of men.

The object of the gentleman from Tennessee is to compel us to act against the dictates of conscience; to take from us the shield of the Constitution, substitute force for law, and put us under the ban of the empire. Were that venerable statesman to rise in these fallen times, and witness the gross perversion of his virtuous sentiments, he would blush for the degeneracy of those who prove themselves so unworthy of that rich inheritance, the Federal Constitution, which he

contributed to create, and which was handed to us, clothed with all the attributes of human perfection.

Some gentlemen have proposed to grant to the gentleman from Tennessee a patent right for his application of the sentiments of Dr. Witherspoon to his own doctrine of moral treason. I must deny even this credit to the gentleman; it is due, if to anybody, to an honorable colleague of mine, (Mr. FORNEY,) who does not often favor the House with his remarks, although he sometimes addresses circulars to his constituents.

The gentleman (Mr. GRUNDY) has illustrated his doctrine in another way. He says, if a man joins or gives aid and comfort to the enemy, he is guilty of treason;—*a fortiori*, if the same person, instead of joining and giving aid and comfort to the enemy, refuses to lend his money to the Government, or advises others not to lend, or happens to dissuade his friend or some half a dozen giddy young men not to abandon their families and homes for the dangers and corruptions of the camp; for thus exercising the freedom of opinion, and forbearing or refusing to do that, which, by no principle or law, was he bound to do, he, agreeably to the logic of the gentleman, is guilty of this new-fangled crime of moral treason. Thus the effect of a lawful and Constitutional course of conduct, and not the motive, constitutes the crime. This case the gentleman calls his field of argument. If this case establishes the doctrine of moral treason, I think it will not be difficult to prove that the gentleman himself is a moral traitor. It is probable the gentleman has some money which he can spare; if he does not lend it to the Government, as they are in great want, he is guilty. It is very probable the example which that gentleman could set, by enlisting in the Army of the United States, would induce some hundreds of his constituents to enlist also. If he refuses to do those things, the effect is unquestionably more injurious to the country than were he actually to join the enemy; consequently, by his own doctrine, he is more guilty.

The gentleman from South Carolina (Mr. CALHOUN) argues differently from his friend from Tennessee. He says it is the *motive*, and not the *effect*, which constitutes the crime. He admits the right of opposition to a certain extent, beyond which it swells into faction, becomes corrupt, and seeks the destruction of the Government. This may be very true, but I deny its application to the minority of this House or this nation. All our acts are lawful; every expression breathes the genuine feelings of patriotism, and, when most warm, it is the honest glow of indignation, roused by the oppressive and ruinous acts of an overbearing majority, or by the introduction of slavish doctrines, subversive of the first principles of civil liberty, and foreign to our Constitution and the genius of our happy form of Government.

Sir, when I reflect on the right guaranteed to every freeman in this country by the charter of our liberties, I feel humbled and degraded, as the



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Representative of thousands of free and enlightened citizens, in finding myself under the necessity of repelling doctrines fitted only for anarchy or military despotism; in asserting rights sanctioned by the experience of more than thirty years, and which are so plain as to be perfectly understood, and are enjoyed even by the beggar in the streets. Let me tell the gentleman from South Carolina, (Mr. CALHOUN,) if he wishes to establish an ordeal for trying men's consciences, I have no objection, provided we can get just judgment; but I shall certainly object to that gentleman being the presiding magistrate. Let me tell gentlemen in the majority, if they wish to quiet opposition, they must change their destructive course of policy; they must seek the advancement of the nation's interest, and not solely that of a party. In proportion to the wickedness or folly of those in power, in that ratio will be the opposition of good men, while a vestige of spirit and independence remains. And should the liberties of this people be encroached upon, step by step, till you arrive at the threatened conscription, you will find opposition in every virtuous breast.

After the turbulent scenes of 1798 and 1799 had subsided (in which, by the by, the present majority acted a part, far surpassing in violence of opposition anything which has characterized the present times) the country experienced almost a perfect calm; opposition was scarcely heard of among the people for about four years; they continued to prosper during the existence of the treaty with Great Britain, and were first roused by the expiration of that treaty, and the refusal of Mr. Jefferson either to renew it or accept the subsequent treaty negotiated by Messrs. Monroe and Pinkney. These discontents were strengthened by the fatal embargo of 1807, have continued, and will continue to increase as the policy of Administration becomes more and more destructive of our best interests.

The opposition of a minority is, in the nature of things, harmless. If limited within the bounds of the Constitution, it is lawful, and often necessary. If it transcends those bounds, there is always the disposition and the power in the majority to restrain it. The truth is, and at this day this truth is unfortunately too evident, that factious majorities are the real enemies of public liberty. To this source may be traced the destruction of Republics in ancient and modern times, and from this cause we have some reason to tremble for the safety of our Constitution and country. Permit me, sir, to fortify this opinion by an authority which gentlemen in the majority cannot disregard. I refer to no less authority than the present Chief Magistrate of the United States. In a speech of Mr. Madison, made in the Virginia Convention, when he advocated the adoption of the Federal Constitution, he thus expresses himself:

"Since the general civilization of mankind, I believe there are more instances of the abridgment of the freedom of the people, by gradual and silent encroachments of those in power than by violent and

sudden usurpations; but, on a candid examination of history, we shall find the turbulence, violence, and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions, which, in Republics, have more frequently than any other cause produced despotism. If we go over the whole history of ancient and modern Republics, we shall find their destruction to have generally resulted from those causes."

This extract requires no comment; it shall have none from me but my sanction.

I had intended, sir, to submit some remarks on the doctrine of *retaliation* and *expatriation*, but fear I have already exhausted the patience of the Committee, as I certainly have my own strength. I will, therefore, conclude my remarks by reading an extract from an elegant author (Goldsmith) who was a good *Whig* in his day, an excellent judge of the human character, and no inconsiderable statesman. This extract may not be inapplicable to the present times, and not totally irrelevant to the question of opposition, which has been incidentally discussed:

"There is," says this author, "a very honest gentleman, with whom I have been acquainted these thirty years, during which there has not been one speech uttered against the Ministry in Parliament, nor struggle at an election for a Burgess, to serve in the House of Commons, nor a pamphlet published in opposition to the Administration, nor even a private censure, passed in his hearing, upon the conduct of any person concerned in public affairs, but he is immediately alarmed, and loudly exclaims against such *factious* doings, in order to set the people by the ears together, at such a delicate juncture. At other times, says he, such opposition might not be improper, and I don't question the facts that are alleged; but, at this crisis, sir, to inflame the nation—the man deserves to be punished as a traitor to his country. In a word, according to this gentleman's opinion, the nation has been in a violent crisis, at any time these thirty years, and were it possible for him to live another century, he would never find any period, at which a man might with safety impugn the infallibility of a Minister.

"Opposition, when restrained within due bounds, is the salubrious gale, that ventilates the opinions of the people, which might otherwise stagnate into the most abject submission. It may be said to purify the atmosphere of politics; to dispel the gross vapors raised by ministerial artifice and corruption, until the Constitution, like a mighty rock, stands fully disclosed to the view of every individual who dwells within the shade of its protection. Even when this gale blows with augmented violence, it generally tends to the advantage of the Commonwealth. It awakens the apprehension, and consequently arouses all the faculties of the pilot at the helm, who redoubles his vigilance and caution, exerts his utmost skill, and becoming acquainted with the nature of the navigation, in a little time learns to suit his canvass to the roughness of the sea, and the trim of the vessel. Without these intervening storms of opposition to exercise his faculties, he would become enervate, negligent, and presumptuous; and in the wantonness of his power, trusting to some deceitful calm, perhaps hazard a step that would wreck the Constitution."

When Mr. PEARSON had concluded, the House adjourned.

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THURSDAY, February 17.

Mr. LEWIS presented a petition of the congregation of Trinity Church, in Georgetown, in the District of Columbia, praying to be authorized to raise money by means of a lottery, to be applied to the erection of a church for said congregation. —Referred to the Committee for the District of Columbia.

On motion of Mr. INGHAM, the Committee on Pensions and Revolutionary Claims were discharged from the petitions of A. J. Chevallie, agent for Amelie Eugenie de Beaumarchais; and the said petitions, together with all papers relating to the claim of the said Beaumarchais, were referred to Mr. LOWNDES, Mr. BURWELL, Mr. GRUNDY, Mr. TAYLOR, Mr. STOCKTON, Mr. GASTON, and Mr. OAKLEY.

Mr. INGERSOLL, from the committee appointed on the petition of Oliver Evans, reported a bill to extend the time of Oliver Evans's patent for steam engines; which was read twice, and committed to a Committee of the Whole.

Mr. LOWNDES, from the Committee on Naval Affairs, reported the bill from the Senate "authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating batteries for the defence of the waters of the United States;" and the bill was committed to a Committee of the Whole.

The amendments of the Senate to the bill "to authorize the President to retain in service certain volunteer corps" were read, and concurred in by the House.

On motion of Mr. DESHA, of Kentucky, the resolution of the Legislature of Kentucky, presented yesterday, relating to the establishment of some manner of deciding State controversies, was referred to the Committee on the Judiciary.

#### CONTESTED ELECTION.

On motion of Mr. HUNGERFORD, of Virginia, the House resumed the consideration of the report of the Committee of the Whole, on the 1st instant, on the report of the Committee of Elections on the petition of John Taliaferro, contesting the election of said John P. Hungerford. The House concurred with the Committee of the Whole in rejecting that report, which was favorable to Mr. Taliaferro, by a vote of 67 to 38.

A motion was then made by Mr. SHEFFEY, that the House do come to the following resolution:

*Resolved*, That John P. Hungerford is entitled to a seat in this House.

The SPEAKER decided, that, inasmuch as the House had decided to overrule the resolution submitted by the Committee of Elections, "that John P. Hungerford is *not* entitled to a seat in this House," it was his opinion it had expressed finally its determination that Mr. Hungerford is entitled to his seat in this House; and that, consequently, the motion of Mr. SHEFFEY was not in order.

#### THE LOAN BILL.

The House again went into Committee of the Whole on the Loan bill.

Mr. JACKSON spoke as follows: Mr. Chairman, it seems agreed on all sides that this shall be a continuation of the debate on the Army bills—that the discussion shall be conducted upon the scale then assumed; in that vast extent the investigation will be legitimate.

Although it be true that the province of the majority is to act, and of the minority to speak, it is sometimes equally so that the majority should give the reasons for their measures, and above all they should place in a just view the specious and fallacious ones of their opponents. This nation is progressing in intellectual acquirements as rapidly as its unprecedented increase of numbers and the development of its vast internal resources; and it is due to ourselves, to the politician of to-day who was not on the stage yesterday, and to the advancement of truth, to venture occasionally upon a larger view of our affairs than would be strictly admissible, if the argument were to be solely intended for this House, and did not find its way to the nation. These considerations have guided me in the investigation I have made, and which I shall claim the indulgence of the House in communicating upon the present occasion.

The minority urge upon this bill—contemplating a provision of the ways and means for carrying on the war—the same objections relied on by them when the Army bills were before us. These objections may be resolved under three heads—

- 1st. The justice of the war in its origin.
- 2d. The justice of its continuance.
- 3d. The mode of waging it.

First—It is unjust, say they, in its origin, because there was no real cause of war; and the pretences for it might have been avoided if the treaty of 1806 had been accepted.

In discussing this point I shall purposely pass over many, very many, minor injuries inflicted by the lawless violence of Great Britain—which, though constituting cause of war, according to the best established opinions of intelligent jurists, this nation devoted to peace, and anxious to avoid all collisions whatever, has not made the ground of the war, or a condition of its termination.

In 1806, in consequence of the piratical seizure of many merchant vessels engaged in the colonial trade, the Government were called upon by the united mercantile interest of this country to put on the armor and assume the attitude of resistance. These merchants in their memorable memorials, &c., announced the seizure of their vessels by Great Britain as lawless and piratical; they showed incontestably that the trade had been carried on in express conformity with the rules prescribed by the British Admiralty, and the decision of Sir William Scott, the Judge of their highest Court having maritime jurisdiction; in fine, that, by these fraudulent deceptions, they were decoyed upon the ocean to the prosecution of a trade lawful according to the settled principles of national law, and lawful according to the decisions of the British Government; and were awakened from their delusion, which reposed on the honor and faith of that nation, by a fraudulent concealed order, under which their vessels



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and cargoes were seized simultaneously in the four quarters of the world, and ruin and beggary entailed on thousands.

This detestable outrage remains to this day unatoned for and unredressed.

Prompted by the value of the spoils seized on that occasion, this grievous outrage was but the inconsiderable precursor of others more grievous. Our vessels trading from one port belonging to an enemy of Great Britain to another port of the same, or another enemy—and at that time she was at war with all the maritime nations of Europe—was held to be good prize, and the notice of this new principle was conveyed through the seizure of the vessels thus employed. Orders of blockade were issued in defiance of the rule laid down by themselves. And the rapid succession of injuries treading on the heels of each other did not permit the mind to dwell upon either, before it was excited afresh by more transcendent injuries.

The Americans deriving their right to navigate the ocean from the recognition of their character as an independent people, and the munificence of a beneficent God who made the sea free to all, were required by Great Britain, who had usurped dominion over it, to carry their cargoes to a British port, land them there, and pay a tribute for a license to carry them to their place of destination. And on discovering the national indignation which this measure excited, we were told, in language of superadded indignity, that they had gratuitously commuted the tribute for a prohibition of the trade altogether.

In the subsequent modifications which Great Britain adopted of her piratical orders, we were told that we might trade to the nations with whom she was at war, provided we compelled them to receive the manufactures and products which they had prohibited—a pretension which, however much it might have suited the interests of our merchants to see those nations accede to, we had no right whatever to contend for—a pretension, too, which is at war with the laws of the British themselves, who prohibit almost all descriptions of manufactured articles in time of peace as well as in war, and which the policy of this country in fostering our own manufactories strongly inclines us to imitate. To illustrate the injustice of the claim, let us recur to our laws which prohibit the importation of slaves; and suppose a foreign nation were to demand the privilege of sending slaves hither, would we, could we, listen to it for a moment?

It was admitted by the British, and those in this country who contend for their claims, that these measures would be unjust in the abstract, but were just in retaliation for injuries inflicted on us by France. In vain was it answered, that retaliation to be lawful must fall upon the head of the aggressor, and not on us, who were a third and innocent party; and although there might be some pretext for such retaliation, if we had submitted to injuries which were prejudicial to Great Britain, and thereby exposed ourselves to the imputation of conniving at the conduct of

her enemy, we showed that they had resorted to it before a knowledge by us of the injury retaliated for; and that the United States possessed the spirit and determination to maintain their rights against lawless invasion from every quarter, and would do so if the British would permit them, either by doing justice, or cease the practice of doing injustice towards us. We gave them to understand that war itself would be resorted to, and had only been delayed from the consideration that we were unable to contend at the same time with two of the most powerful nations on the globe, but would not shrink from a contest with one of them, if the other would withdraw her hostile edicts. But this argument and these assurances were disregarded; the enemy had taken his attitude; it was war on his part; peace on ours; he had not declared war, but was in the daily habit of committing acts of hostility, while his language breathed peace and good will towards us. Yet, in defiance of all this fairness and pacific remonstrance, we were told here, and the sentiment was echoed back by the British Government, that the conduct of this nation proceeded from partiality to France, and unjust hostility to Great Britain; that to these alone all our embarrassments owed their origin. When the intelligent men of the two countries called for the proofs, they found nothing but idle clamors and bold assertions. The charge in the famous protest of the minority after the declaration of war, and the reiteration of it by the Prince Regent, were substituted for proof; and when a specification was demanded, the arrangement with France, touching a repeal of the decrees of Berlin and Milan, was pointed to as affording it. On this ground, or any other, we were always willing to meet our opponents, and on this, as often as they were met, they had been already vanquished. They urged that the President had taken the promise of the French Government for the fact of repeal, and on it had founded his proclamation; that the French had broken the promise, and fraudulently precipitated us into war. To this we answered: if it were a new case, without precedent to support it, the confidence due to independent nations demanded a reliance on the declaration; that it was no answer to this position that the confidence might be abused, for without it all the advantages of civilization would be lost to the present generation, and we should be thrown back into the dark ages, and revive the deplorable doctrine, that no faith was due to the engagements of other nations; no reliance to be placed except on the sword of our own.

But our recent history afforded an example which Great Britain and her friends, too, must respect; for it was an example in her favor which elicited the most unqualified approbation of the Executive conduct; and gentlemen were so zealous to testify their pleasure at that time that a formal vote of thanks was proposed and supported by them in this honorable body.

In comparing the two cases, the mind is lost in conjecturing wherefore was the conduct of the President condemned for the latter proclamation,

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when it was so decisively applauded for the first? And a minute analysis of the facts connected with each but serves to increase the dilemma.

The arrangement with Mr. Erskine for the repeal of the British Orders, it will be recollected, promised their abrogation at a future day. I think it was the tenth of June; not having looked into the documents recently, I am not certain that I am correct as to the dates, but this I well recollect, that it was adopted with avidity; in the language of the resolve, with a promptitude and frankness honorable to the President; and on the faith of it, before the day had arrived, the President issued his proclamation, notifying the fact and renewing the trade, then suspended by our non-intercourse act, from and after that day.

The repeal of the French decrees was notified by the French Government to take effect from and after the first of November, and the proclamation of the President in consequence thereof was not issued until after that day. If there was any departure from the course of unequivocal impartiality in the two cases, it was certainly not to the prejudice of the British Government, as in their case the proclamation was in anticipation of the time fixed upon by themselves, and in the French case it was not until after the time had arrived. When Opposition found that they were driven from this untenable ground, they took their stand on another; the French declaration they said was fraudulent on the face of it, and couched in terms that were offensive.

It was answered, that but two topics of just inquiry were presented in considering the subject—first, had the French promised and was it fair to presume a repeal of their decrees in virtue of such promise?—and second, was the promise unequivocal and in terms unexceptionable? 1st. That they did promise a repeal no one will deny, and in point of fact we have express proof that it was conformed to, and not violated; our agents abroad state this, and the exemption of our vessels from capture under those decrees, is confirmatory of the assertion. 2dly. As to the mode of making the promise; it will be recollected that we had prescribed a condition in our law to be performed in the event that either France or England revoked their edicts, and the other refused to do so within three months after such revocation, and the repeal of the Berlin and Milan decrees was made to depend upon our fulfilment of this condition—namely, a renewal of trade with the party repealing; and unless the outstanding belligerent repealed his decrees, a non-intercourse with him. I cannot discover any just cause for the criticism. It was in the nature of a neutral compact, requiring the fulfilment by each of the condition it had prescribed, as the consideration of its observance by the other; and it was exclusively in our power by observing good faith to render the contract absolute, or by violating our engagements defeat it. We kept our promise, and for the honor of our nation let it be understood, in no instance of our history has it been imputed to the Government that its promise was disregarded. The subsequent decree of the French

Government, dated in April, 1811, is a proof that they considered we had performed our engagements. And I understand it, as its terms import it to be, no more than an absolute confirmation of the previous conditional repeal—a declaration that we had performed the condition.

I say nothing as to the charge whether this decree was not antedated; it is certainly fairly liable, from the circumstance of its concealment, to all the animadversions heaped upon its suspicious appearance. I am speaking only of its character and tendency; and I insist that the construction I have given is fair and reasonable. If so, the assertion that the repeal was not until after the proclamation, has not a shadow of reason for its support. Gentlemen, in the fertility of their invention, attempt to derive an argument from the subsequent repeal of the British decrees, against the justice of the war, which they call an act of rashness and precipitancy. And they allege there was every reason for believing the British would repeal their orders when they were notified of the repeal of the French decrees. In vain have we referred to the declarations of Mr. Foster that such repeal would not take place unless France not only rescinded her decrees so far as they violated our rights, but permitted the British manufactures to be admitted into the Continent also. We also showed that their Minister for Foreign Affairs declared the same thing; and that all pretext might be done away we quoted the "declaration" of the Prince Regent to the same import. Affecting to disbelieve the confessions of the British themselves as proof of their intentions, a new species of reasoning was resorted to, which, as all new discoveries are to be secured by patent privileges, I hope the gentleman will obtain the exclusive right of using and vending. They said, you rely on the official declarations of the British Ministers and the Prince Regent to prove they would not repeal their Orders in Council unless the French decrees were unconditionally repealed—but they have nevertheless been repealed without such modification of the French decrees, and this proves the reverse; and, reasoning *a posteriori*, it stands thus: "we had a right to believe the event would happen because it has taken place," although they all declared prior thereto that it would not.

Mr. Chairman, although the subject of invasions of the right of property has been first considered in the order of my arrangement, I have always believed and still think it of most subordinate importance in the scale of national wrongs endured by the United States; for, in so far as the rights of persons are more invaluable than the rights of property, do violations of personal rights merit the prompt interposition of the Government; whilst spoliations of property admit of dilatory adjustment. Let it not be said that in the only free Government on earth, where alone all power is derived from, and frequently exercised by, the people; and the rights of persons not only constitute the key-stone of the arch of our political edifice, but the corner stone on which the arch itself is erected; and above all, let it not be

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believed that in such a Government a freeman can be despoiled of his liberty, or a citizen can be torn from his country, without producing more excitement than the capture of a bale of cotton or a barrel of flour. Impressments of our citizens are most certainly a primary cause of this war.

We are met at the threshold of this inquiry with the assertion that impressment was not urged as an argument for the war, and this, if true, would 'be a *non sequitur*. The justice of our cause has never been made to depend upon the conclusiveness of our arguments. It would be a strange mockery of justice for a judge to say to a party before him—"Sir, your cause is just; and I would be compelled to decide in your favor, if your advocate had not discovered an incompetency to argue it; on that ground alone I am constrained to decree against you." I ask, sir, if gentlemen are not mistaken in this assertion? Has not the practice of impressment been always urged as an intolerable injury by the Administrations of Washington, Adams, and Jefferson too, as well as the present? General Washington, twenty years ago, declared that it was an outrage not to be endured, and threatened reprisals. And will it be said that the Father of his Country would seriously contend for trifles, and assume a principle as the head of this nation which was to be given up as untenable? Sir, I think too highly of the character and virtues of that great man, whose reputation is the common property of his countrymen, without respect to the political distinctions set up by those who claim exclusive right to it, to subscribe for a moment to the unworthiness of the imputation; and permit me here to say, that the first general impression made on my youthful mind, was love and veneration for that great man, which no excitements of party spirit have ever unhinged or eradicated.

And who, I ask, among us will have the hardihood to assert that he unjustifiably resisted the practice of impressment? Not the Washington Benevolent Societies, I presume; for their "Aristides" was the organ through which the Presidential instruction was communicated. Sir, I do not allude to the appellation given to the venerable gentleman in derision; I am willing to allow him all the virtues claimed by his admirers, and attribute his errors to human frailty. Another distinguished favorite of Opposition, (I mean the Chief Justice,) while Secretary of State, wrote with energy and ability against this growing outrage. The honorable Mr. King, too, when Minister at London, reiterated the same complaints; and Mr. Jefferson made it a *sine qua non* of negotiation. Now, I ask, with these facts staring gentlemen in the face, can they pretend that impressment was not considered an inadmissible pretension? Evading an answer where none can be given, they tell us that Washington, Adams, and Jefferson, did not go to war for it. It is true, they did not, and still the admission proves nothing. The first found his country exhausted, and by slow degrees recovering from the shock of a revolution; the Government of it, which the

sense of common danger and the united patriotism of the times alone rendered capable of sustaining any pressure, suddenly changed for a new system, against which the talents of some of the firmest patriots and strongest champions of liberty in the nation had been arrayed. The predictions of these men floated as beacons to guard against the dangers they had imagined; and in reducing order out of chaos, they were neither to be despised nor disregarded. It was his policy, and a wise one, to give the nation time to breathe and to grow strong; and in the mean time to enter a protest against this abuse, rather than go to war then to redress it. Let it be remembered, too, sir, that the injury then was small compared with its subsequent extent. It grew with our growth, and strengthened with our strength. Under the last Administration, it was of most alarming magnitude; under those of General Washington, and Mr. Adams, though each injury was an act of war, it might be compared to the murder of Pierce and the attack on the Chesapeake, admitting in the first instance of explanation without disgrace, and ultimate reparation. But if an hundred vessels had simultaneously murdered as many citizens, and attacked and destroyed all our vessels of war, no one could have forbore to identify the Government with its officers, and to hold it responsible for the outrage. Forbearance, under such circumstances, would have been pusillanimous and dishonorable; we must have repelled the hostile blow by hostile acts on our part, or surrendered the rank we have assumed as an independent nation. So, too, the first impressments of our citizens being disavowed, and reparation promised, the Government wisely preferred to rely on the justice of the British rather than on their own means for obtaining redress and future indemnity. Experience fatally proved the fallacy of this security; the cries of one American were drowned by those of his brother, who clung to his country and to liberty until the violence of the enemy had torn him from both, and riveted on him the fetters which had been forged for our citizens. Thousands of them in this manner were seized and carried off and still endure the slavery and degradation to which they have been doomed, unless in cases where a kind Providence has been pleased to close their eyes in death. And yet, that justice might be done to the long forbearance and pacific policy of this Government, year after year it sought redress in vain, and the answers of the British were a practical commentary on the insolent answers of their commanders, that "his Majesty's navy must have sailors." The nation was driven to the wall, where individual resistance becomes lawful in the sight of Heaven and all human laws, even though death ensue; there the constituted authorities took their stand, and the war was declared for "free trade and sailors' rights." Not, however, contented with a discussion of the avowed causes of the war, which is artfully evaded by the Opposition, they venture to presume others never contended for by the Administration, and level their artillery against those pretended causes. They say we claimed

that free ships should make free goods, and that there should be no belligerent right of search. Sir, I deny the assertion in toto; and I believe if we could procure, by the common consent of nations, the adoption of a provision that there should be no search whatsoever, our interest would forbid it. I will acknowledge, sir, that on this point my private opinions have undergone a change. I do not recollect that I ever avowed them. I had believed that if the flag covered the vessel and cargo against all search, it would contribute much to the freedom of the seas, if, as a necessary condition of this privilege, no vessel were allowed to abuse the flag; to carry any other than its own; or to violate the law of nations—in relation to contraband of war, and carrying enemies in the military service of an enemy. Without these securities the privilege would not be desirable; and when I look to the experience of other nations as well as our own, I look for them in vain. Unfortunately for the honest merchant, and we have many, there are others of a different stamp, whom no laws will restrain, by whom no principles will be respected—even now they are in secret correspondence with our enemy, and subserving his schemes of murder and conflagration, by furnishing the instruments of death, and the means of subsistence. To illustrate my views, I will suppose a case. We are at war with a foreign nation who effects a landing in Louisiana; our navy nevertheless gives us the command of the American seas—and I am indulging in no improbable hypothesis, for we are destined to become a great naval Power—the invader cannot subsist his army without fresh troops, other implements of war, provisions, &c., and these he knows will fall a prey to our naval superiority; a corrupt neutral, stimulated by gain, ministers to his necessities, carries men, arms, and ammunition, to relieve him. Our gallant tars believe this fraudulent trade is practised; but they dare not search the vessels employed in it, because of their abused immunities. Should we restrain them, and stay their hand from tearing the flag from the mast of the enemy in disguise, and making him pay the forfeit?

It is said, too, that we are fighting for the establishment of a new law of blockades, that "there should be an investment by land and water;" this is equally incorrect. We stand in regard to them upon the British doctrine; we demanded the observance of their own rules; which they disregarded by substituting proclamations and orders for men and ships; it was their *paper* blockades, against which this Government contended. We are accused of insisting on a violation of the public law of Europe, in protecting naturalized men. And whilst the genius of free Governments, and of our Constitution, as well as the uniform practice of all the nations of Europe, and of Great Britain in particular, are overlooked, gentlemen gravely advocate her abstract rights and municipal regulations. If a plain man were asked what is the public law of Europe? I apprehend he would answer, the universal practice of all the States of Europe, exercised by each, assented to

by all, disputed by none. Yet, if tested by this construction, the advocates of the British pretension in regard to us, have nothing whereon to predicate an argument. The question of impressment, however, has nothing to do with the others, although gentlemen attempt to hide it in a mass of imposture, and in the jargon of the law of despotism. The single point is, will you protect your *natural-born citizens* in the enjoyment of their personal liberty at sea, as well as on the land? Let the career of our sailors be the answer, those gallant spirits who have borne our thunders on the mountain wave, and taught the enemy that he is not invincible; who carry from the mast-head the motto of "Don't give up the ship," as an earnest, that, so far as the badge of sovereignty is confided to their keeping, the national honor has nothing to apprehend, if the Government respond to the sentiment—as I would have the Legislature speak to the Executive in relation to the execution of his functions, *Don't give up the crew*. I ask, Mr. Chairman, will you tear such a man from his ship; from his family; from the wife of his bosom, and the children of their love; from his aged parent who assisted to rear the fabric of liberty, and rejoices now in the evening of his days that his eyes will be closed by a brave son worthy of his father? No, sir; rather tell Liberty to tear the Constitution to pieces; to depart from this Hall, and scatter it to the winds; to pull down the dome of this magnificent temple; to raze the monuments of freedom to their foundation; to leave us forever, for we have insulted her, and all our pledges and pretensions were a disgraceful mockery of her principles.

It is said we have gone to war to protect British subjects; that we naturalize and employ their sailors. In the very nature of things, few if any can be naturalized; and it is a pretence merely. The seaman who conforms to our naturalization laws, which require five years residence in a State or district, and testimonials of good character, rarely, if ever, returns to the sea, so long abandoned by him; and, in fact, as I have been informed by an honorable gentleman in the minority who is conversant with such subjects, (Mr. Jackson, of Rhode Island,) but few naturalized seamen are to be found. Sir, we don't want naturalized seamen, as our law which forbids their employment evinces. I have said, on a former occasion, and the remark has been recently quoted with an air of triumph, that the men who come hither from Europe in search of an asylum, securing to them civil and religious liberty, go to the interior, they follow the plough or some mechanic art, they are valuable men and good citizens; but there are others who infest the seaport towns and wear our privileges to hide their foreign connexions, who are a pest to society and a curse to the country; and I would rejoice to see a provision in our laws preventing them from engaging in commerce or navigation. I would say to them, in explicit terms, Whilst you live among us and obey our laws, we will protect you; but the moment you go to sea beyond our territorial limits, you cease to be a citizen; you have no right there,

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and our duty to protect you then ceases. But the rights and duties change in relation to persons in our territory, on the soil of our country. We have, by the Constitution, a power to naturalize foreigners, and I did not expect it would be contended that man has not a natural right to dwell where he pleases, to choose his form of Government and political society. This power of naturalization has received the sanction of all parties; it was first exercised by the Washington Administration; and even the old Congress of the Revolution, in their addresses, particularly to the inhabitants of Ireland, in the most eloquent language, invited them to come and live with us as members of our political family. Although no direct invitation is now given by this Government, yet when a foreigner comes under the faith of our Constitution and laws, conforms to their provisions, and becomes a citizen, a contract is entered into of the most solemn character and binding validity on his part, that he will serve the country faithfully as a citizen, and, on the part of the country, that it will protect him in the enjoyment of his rights; he owes obedience to our laws, is bound to give his money in taxes, and his personal services in battle, and if taken prisoner it would be disgraceful to us as a nation to permit the enemy with impunity to hang him up as a traitor. As a militiaman, suppose he is called to Hampton, that memorable scene of British honor and humanity, and while contending in your ranks to repel the ruthless invader he is captured, would you consent to his immolation? I have said that man has a *natural* right to choose his country and his political society, and even this proposition, so reasonable and just, is controverted, and a new principle of social duty is assumed here. "The sovereign (it is said) is absolute over 'the subject; he becomes a tenant of the soil on 'which he is ushered into life, and cannot be 'transplanted; he owes a perpetual allegiance to 'it, and is punishable for acts inconsistent with 'that allegiance." This definition of the sovereign power suits only the regions of despotism, where man is a slave; the whole of it reduces him to the condition of a Russian serf, who is sold with the estate of the lord to whom both belong.

Much as I detest the Godwinian principle, that the son owes no duty to his parents, (if, as the gentleman contends, such be his doctrine,) that which assumes that the duty of man to the land of his birth is as strong, is equally abhorrent. What! man belong to the soil? Man, whom God created in his own image and likeness, and to whom he gave dominion over the earth and sea, and all that in them is! Shall he be bound in gratitude to the land where he is accidentally born—from which his parents and all his race are either driven, or were destroyed there in his infancy by the tyrant hand of oppression, and from whose persecutions he flies to a clime where civil and religious liberty are consecrated by the laws, and enjoyed alike by the great man in his palace and the peasant in his cottage? We are asked, with seeming triumph, if France invades

us, will we admit a citizen to go off, join the standard, and add to the force of the enemy? I answer, no. In time of war between two nations the migrations of the citizens of one to the other nation is unlawful; in time of peace it is far different. In war, the motive is clearly hostile and treasonable to his country; but in peace, the just presumption of reason and humanity being in favor of its continuance, no such idea is inferrible from the act, which is not only not unlawful, but permitted. The case put is in no wise analogous. Pursuing the argument, which, in effect, justifies or palliates the British practice, the gentleman (Mr. SHEFFEY) tells us impressment is only the abuse of the usage (I really apprehended he would say the right) of Great Britain, long established. Sir, I deny that the practice is of ancient date, and I deny, too, that it has been exercised against any nation, even the most unimportant, except the United States. Prior to the Revolution, this country being colonies of Great Britain, and our merchant vessels subject to the regulations of the parent State, any practice then need not be mentioned, because not applicable. During the Revolutionary war, impressments, in the nature of things, could not be practised, as nothing but superior force placed our seamen in the power of the enemy, and then they were held as prisoners of war only. Since the treaty of peace, this ancient usage, as it is called, was first commenced against the free citizens of this country. It was promptly met and resisted by manly remonstrance, indicating that, unless redressed, *resistance* of a different character would be resorted to.

Impressment, it is said, could have been arranged, in the opinion of high authority; and Mr. King has often been alluded to as being of that opinion. It is true that the English Minister agreed with him to desist from impressment altogether, except in the narrow seas; but there is no doubt that the exception insisted on was to prevent any arrangement, as was in effect avowed since. Mr. King refused to make the exception, and he declared that he would rather lose all than agree to it. Messrs. Monroe and Pinkney are also alluded to, as proving that the accommodation could have been effected. It will be recollected that after the death of Mr. Fox, who was the head and soul of his Ministry, and whilst the remnant that remained were descending from power, a treaty was formed with Messrs. Monroe and Pinkney, in which they would not consent to insert any provision in relation to impressment, but agreed to an informal note, which it was supposed contained something valuable. Mr. Canning, soon after, was at the head of the Foreign Department, and on receiving a communication notifying him of the promise contained in this note, he addressed a letter to the ex-Ministers, Lords Holland and Auckland, who had written it, to know if they had promised any suspension or discontinuance of the practice of impressment. They referred him, at first, to the note itself, and, on his pressing them further, they declared that they "only intended to promise the

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utmost caution in the exercise of the right, but no suspension or discontinuance of the practice of impressment." (I quote the correspondence from memory, but I know that I quote it substantially.) Mr. Canning then wrote to our Ministers that no engagements were entered into by Great Britain except such as appeared on the face of the treaty. Sir, Great Britain never claimed the right to impress our natural born seamen. They always professed to exercise the utmost caution, and this was no more. An avowed disregard of it would have been war at once. Yet what had we to expect for the future by recurring to the past? Thousands of our seamen had been impressed; the cries of "I am an American citizen," were disregarded, and, as if to manifest a contempt of all appearances, Danes, Swedes, Germans, and negroes, were taken from our vessels under the plea that they were British subjects.

The gentleman from Virginia is for drawing a strange line of distinction. He will risk nothing for persons coming here for the last fifteen years. He will permit them to emigrate, but will not naturalize them. What! make the alien a nullity; like a monk, professed in good old common law, *civiltiter mortuus*? It would be a dangerous situation to society to have persons in it owing a temporary allegiance here, and a paramount permanent allegiance elsewhere. If they have no rights they can be subject to no duties; neither entitled to hold property, nor prosecute suits, nor liable to pay taxes. Their situation must be that of an outlaw, who may be hunted and killed as a wild beast. To my mind, the apology offered for British impressment, that it is a "municipal regulation," is the most exceptionable. What! shall the municipal regulations of Great Britain be exercised on board our vessels? If so, with equal justice may they be exercised on the land also, and thus, we shall see British officers traversing our country, seeking out and seizing their victims, and carrying them off in defiance of our national sovereignty and independence.

We are reminded of the pretences under which other nations justify their wars, and are told that Great Britain goes to war for fooleries, such as the Spanish succession, &c.; and gentlemen advise us to pursue a more laudable course. It is worthy of remark that this Government was censured for refusing to become implicated in this Spanish war, which is now denounced from the same quarter as a *foolery*. And can it be that the rights of these States are compared to the fooleries of madmen, and debauched, corrupted monarchs? Our Government was formed for the common defence and general welfare; its primary duty is, to preserve the immunities of persons and the rights of property inviolate; and whatever may be said by the malcontents of the present day of the manly efforts to maintain these, posterity will not fail to do us justice.

It will do justice, also, to the opinion advanced by the Opposition, that we should have gone on, clamoring more and more about the Orders in Council, and prosecuted the culprits who kidnapped our sailors, by actions of false imprisonment

in the Court of King's Bench, in England; and, instead of protecting our citizens by the national arm, we should have feed the lawyers who practice in their Inns of Court to recover indemnity in damages, to be assessed by a British jury in a British court. Sir, there are some propositions too outrageous to admit of discussion, and, permit me to say, I rank these among that number.

We are told that the rejection of the treaty of 1806 produced the war, and that it should have been ratified. I regret that a want of time prevents me from a re-examination of this question, because it is much pressed by Opposition, and may be fully refuted; perhaps a simple denial would suffice for a mere assertion, for it is not attempted to be shown that the assertion is justified. I deny that the treaty afforded any security against the abuses we have recited; it contained no indemnity for the vast spoiliations of property; and it is a principle of common law and reason, applicable to individual transactions as well as to national controversies, that a claim advanced in a settlement and resisted, for which no provision is made, is considered to be barred by such settlement. So far from healing up existing differences, and preventing future ones, the seeds of controversy were sown deep by the British, and the outrageous pretension was set up to chastise us for French aggressions, unless we resisted them in the manner they required. I refer gentlemen to the official note delivered by the British Commissioners at signing the treaty, in which they state that it is not to be considered as binding on their part, unless the United States, by their conduct and assurances, give security to resist France; and when the Minister was told that we had, by our conduct, given those assurances, he declared he was not satisfied therewith. Thus, sir, we were to bind ourselves by a treaty, which was or was not to be obligatory on the enemy, according to his capricious opinions of the degree and character of resistance we were to make to the encroachments of the French. And no one can be so credulous as to believe that any measure short of war would have been satisfactory. The acts of the British were obviously founded in the belief that we had no intention to maintain and enforce a respect for our rights. Gentlemen even now admit that they considered the intimation of the necessity of war as an idle threat. No doubt they did, sir; their friends here had asserted the same belief, and on this error their impositions were predicated. If after all that had been said and done by our Government, and the contempt with which it was treated, we had succumbed, we should, after having become the scorn and derision of the world, by refusing to fight for our rights and honor, have been compelled at last to fight for our existence as a nation. Among nations, as between individuals, no point should be urged unless sanctioned by right and justice; but, once urged, it should be maintained manfully and bravely. The advice of the good old Polonius to his son should be followed—"Beware of entrance on a quarrel; but, being in, be firm, and then thy enemy will beware of thee."



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We are accused of abandoning the prosperity and happiness of 1809, by going to war. I am at a loss to know in what that happiness and prosperity consisted. Was it in the depredations on our commerce and the capture of our seamen? If so, we were eminently happy, as every day's experience testified; and that species of happiness continued down to the declaration of war. Yet gentlemen say that Great Britain considers our war as an offensive war, and they concur in the opinion.

No doubt Great Britain thinks so; she argued herself into the same belief when she attacked the Spanish frigates, but the world did justice to her motives; their high offence was, that they carried millions of dollars, and Great Britain wanted the money. So, too, in her attack upon the peaceful Dane, when his capital was destroyed and his fleet was captured; when fire and the sword laid waste Copenhagen, and deluged its streets in the blood of its innocent women and children. The plea in both cases was the same—"Bonaparte, my enemy, will get your money and fleet, and thereby increase his means of annoying me, and I will defend myself against this apprehension." Such, in effect, was her language to us, in her just and defensive retaliation. Let us simplify this ground by applying it to individual intercourse. A man travelling on the high road is accosted by a robber, who demands his money, and accompanies the demand by a vindication of his conduct to this effect: "I rob you not with a desire to enrich myself, but I have an unprincipled enemy living on the road, who has need of your cash, and unless I get it he will, and it will add to his means of destroying me; besides, he will, after robbing, murder you, and to guard you against the perils that await you, I will rob you myself, and make you my prisoner, out of pure good will, and in my own defence." Such is the practice, such alone can be the justification, of Great Britain, and I do not wonder that she considers ours as an offensive war.

We are reminded of the pretences by which the partitioners of Poland affected to justify themselves—not that Poland had done them injury, but that the Polish principles were dangerous to the safety of crowned heads, who were alarmed at the example of a people capable of self-government. The gentleman might have referred, also, to the famous confederacies of Pavia and Pilnitz, which were formed on the same plea against France, and in which the British Government performed a conspicuous part. Sir, these examples afford other evidences of the facility with which the British cheat themselves into the belief—kind, honest souls!—that all their wars are defensive. Yet, strange to tell, they are illustrations of the opinion entertained here by the Opposition, of the soundness and justice of the American claims. I ask, emphatically, is it possible that any man can believe that our war is of a similar character, and waged on such flagitious pretensions? Gentlemen say yes; you have a lawless hostility against Great Britain, and your measures proceed from that source. I refer to two memo-

orable examples of the pacific temper of this nation, where the conduct of the British was universally condemned, viz: the murder of Pierce, and the attack on the Chesapeake. When the murdered Pierce arrived at New York, all parties vied who should manifest the strongest resentment. The Federalists, with Mr. King at their head, paraded the streets with the dead body, and one cry of vengeance animated the nation. So, too, when the Chesapeake was taken, all parties cried aloud for war; and, had the Congress been convened, and a declaration of war recommended, I do verily believe it would have passed almost unanimously. But the Executive then, as had been done by Congress on a former occasion, clinging to peace as the sheet-anchor of safety, resolved not to identify the Government with the act of its officer, but to admit of pacific explanation and atonement. Gentlemen mistake the fact; it is Britain that is hostile, and not this nation. Look at her conduct towards the Indians before the war was declared, and even whilst her Minister was denying the justice of opinions drawn from that conduct; these people, to whom we sent the missionaries of the Gospel and the implements of husbandry, were enticed to take up arms against us, by the holy "bulwark of religion;" they were made hostile by promises and by presents; by spirits to inflame their passions, and by arms to destroy us; and these facts, coming to the Executive from every quarter, were verified by corresponding circumstances. A vast body of armed savages were assembled at Tippecanoe, threatening the frontier, which more than once had been recently smoking in blood and conflagration. There, with the language of peace in their mouths, like their employers, they attacked our force, and, being defeated, they left behind them British arms, British scalping knives and tomahawks, and British ornaments. Their open, avowed, and immediate employment of them as soon as war was declared, is conclusive proof on that head; for how, I ask, could they otherwise have concentrated, such a large Indian force in so short a time? Sir, I am humbled to find it necessary, in this House, to discuss the justice of the war, and to answer objections taken by my countrymen against the cause of our common country. I do greatly mistake if I have not shown that the war was just, necessary, and unavoidable at its commencement; which brings me to the second point, viz: The justice of its continuance.

We are told that the war should be discontinued, as the Orders in Council have been repealed. Their repeal was conditional merely, and the terms certainly not the most satisfactory. We were informed that, unless British vessels and British goods were freely admitted into our ports, the repeal would not be respected, and the right of passing the orders was expressly asserted. But, waiving these objections, I insist that impressions either are or are not justifiable. If not, as I have attempted to show, they should be provided against; and the Government has done all it could to terminate the war, by proposals to entertain for discussion this important question

The British were not required to abandon it without a reasonable indemnity; they were not even required to do more than suspend the practice during a suspension of hostilities, or to continue the war, and to negotiate on that point in the mean time. Yet, strange to tell, the British peremptorily rejected all these offers, although they well knew that in time of war they cannot impress; that if hostilities be suspended, they cannot impress during such suspension, as it would be an act of war. Yet they refused to forbear the practice and try the effect of negotiation. What! shall we be bound whilst treating of peace with the enemy, and he be at liberty to make war on us? The idea is too preposterous and extravagant. The plea of Great Britain was, that we harbored her seamen, we encouraged desertion; we were not prevented, by the circumstance of being at war with her, from removing this pretence, and the seamen's bill was passed. Yet, strange to tell, its passage was opposed by the minority.

The Emperor of Russia, the friend and ally of England, offered his mediation to effect a reconciliation. It was promptly accepted, in the liberal spirit in which it had been conceived; and our Ministers were sent on a peace mission. A stronger proof of the just views and sincerity of a nation than was then given by the Executive, never was afforded. The ally of our enemy was confided in by us—an ally at war with the nation to whom it is falsely pretended we are devoted: and a distinguished Federalist was appointed as one of the negotiators. The conduct of Opposition in regard to this mediation deserves particular notice. At first they accused the President of avoiding the mediation as long as he could, because of his aversion to a peace, and until he found the public sentiment running strong against him. After the mediation was accepted, and our Ministers had sailed, there were strong indications of its rejection by Great Britain, and it was finally rejected. Then it pleased Opposition to denounce the Executive for accepting the mediation, and its great leader declared that the mediation was tendered by the Russian Minister without the authority of his Emperor, and this tender was produced by the intrigue of our Government. The course the Opposition took on that occasion was not without example. They had practised it in the famous Erskine arrangement. Then the Opposition affirmed that they knew Great Britain had been always disposed to friendly intercourse, if they could meet a corresponding temper; and they hailed the accommodation as evidence of its commencement. They carried that feeling into this House; here a vote of thanks was proposed to be tendered to the President; he was called the man of the people, the friend of his country, &c. But Erskine's arrangement was rejected by his Government; and then, in the true spirit of liberality and consistency, the same gentlemen condemned the President for imposing on the young, credulous Minister; and a member of this House, who avoted the vote of approbation in the first instance, came forward and censured the Presi-

dent for confiding in the honor of the Minister, and stated that he should have first seen his patent powers under the sign manual of the King. Suppose the President had done so, and the Minister, feeling the indignity, had demanded his passports, and left the country—we should then have heard a general cry of condemnation. Whilst the Opposition were of opinion that the Russian mediation was sanctioned by Great Britain, the acceptance of it by us was wise, pacific, and just; it met their cordial approbation; but when Great Britain rejected it, they too condemned it, as an imposition, which the Executive had practised, knowing it must necessarily fail. I request gentlemen to mark the language of Alexander, in the tender of his good offices—he is satisfied the United States have done all they could do to avoid war. Let them mark, too, his relation to England, engaged in alliance with her, receiving her assistance in a struggle he was making for his throne, his empire, and independence. At this interesting crisis, Alexander bears testimony before all the world of his confidence in the just views of America; let Opposition learn a lesson of forbearance and liberality from his magnanimity;—he, if present feeling and interest would sway him, would have been ready to espouse the cause of England against us. Yet he, rising above such narrow selfishness, manifests his confidence in decided terms—whilst Opposition, having a common interest with a majority in the welfare of the nation, takes the unjust side of England. Great Britain foresaw that a refusal of the Russian mediation would expose her to just censure, unless covered by some plausible pretext, and has attempted to shield herself by the expression of her unwillingness to unite our dispute with the affairs of the Continent. What affairs, I ask? Not French affairs; there was no danger of the phantom "French influence" to be apprehended from the proffered mediation, as Russia was at war with France. I will answer the question for England. It was the desire manifested by the Baltic States, on a former occasion, to maintain the maritime rights of all nations, that Great Britain deprecated; they too like us entertained the notion that when God separated the sea from the land he made it free, like the air we breathe, for all nations. And I hope and trust that Alexander will add to his title of "Deliverer of Europe" the more glorious one of Deliverer of the World; that, having called into action the energies of his great mind, and the vast resources of his Empire; after having rolled back the mighty wave of French power which inundated the neighboring States, and swept away the ancient boundaries of Russia until it penetrated to Moscow, the capital of the Czars; after putting down the tyranny of the land, which threatened the subjugation of the Continent, he will not lay down his arms until he has executed the vast design, worthy of the cause which has produced the development of his powers, of putting down the tyranny of the seas.

This Russian mediation teaches another important fact, which must stamp with eternal infamy the charge of French influence. To Rus-



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sia, fighting against France, the United States have confided their cause and its object; and have thereby shown that no relation whatsoever subsisted with France, which the enemies of France could regret or disapprove—in fine, that none of any kind existed not known to all the world. Great Britain has proposed to treat directly with us at Gottenburg, and the offer was accepted without delay. Not disposed to resent the rejection of all previous overtures made directly by this Government, and the indirect one which the mediation afforded, but zealously anxious to obtain a speedy and honorable peace, we find a steady perseverance in that object, nay, even a solicitude which the enemy may mistake for timidity, and which some warm spirits in this nation have reprehended, which brings me to a conclusion of the second point, viz: the justice of a continuance of the war; and I hope I have established the justice of its continuance, as well by showing that its object has not been attained, as in recurring to the proofs that the Government have made and are now making every honorable effort to produce its termination. Indeed it is said, that Administration are now bent on peace, and we shall soon have it; that they have struck their flag, and gentlemen are glad of it. And a lame attempt is made to distinguish between the national flag and the flag of Administration—it is admitted that the flag of Administration is to give protection to “free trade and sailors’ rights,” and I think those five words contain a Constitutional definition of all that concerns us with foreign nations beyond our landed limits. This anticipated surrender, which affords so much pleasure to gentlemen, might have been communicated by the King’s messenger; but that would not suffice, the supremacy of the Pope was to be duly acknowledged, a King must hold his stirrup, five Envoys with badges of humiliation must carry our submission to England; for it was thus the keys of Calais were surrendered. What are the proofs of this submission? this surrender of sailors’ rights? Gentlemen say, the Prince Regent refers to his maritime rights, and asserts that the United States have not discovered a disposition to treat on the basis of their recognition—that Lord Castlereagh proposes to negotiate on those terms, and that the acceptance of the offer is submission. We never contested the maritime rights of England, it was her maritime wrongs we complained of. The public law of Europe and the maritime rights of Great Britain are common to all nations; her maritime rights are as well defined as ours; we are all equals; and usurpation and oppression, though successful, constitute no new “right.” Sir, I object to the authority introduced by the gentleman, as well as to the justice of his deductions. Shall America be judged by the Prince Regent? shall its cause or its intentions be decided by his assertions? I hope not, sir, as on his evidence the United States are leagued with France; and on that of his representative, Lieutenant General Prevost, we are the allies of France. I shall not engage in the idle controversy, whether a surrender of our rights be or be not intended—I will not at-

tempt to convince gentlemen of what Administration intend to do, when they will not understand or believe what they have done.

I do not envy those feelings which induce the assertion, that the surrender of our rights affords pleasure and cause of rejoicing. I thank God mine are of a different stamp. I shall rejoice to see not only the rights of commerce and seamen, so far as my countrymen are concerned, exempted from oppression, but the rights of all the world respected and consecrated by the laws and usages of nations.

I will now consider the third point, the manner of carrying on this war; which has also met with marked condemnation. It is said the war, as carried on, is an offensive war; it is not for the maintenance of our rights, but is a war of conquest. It is worthy of remark here, that Opposition asserted the same thing before a blow was struck, at the time of declaring war. Although the charge has been exposed with much ability by my honorable friends, I will venture to offer a few remarks in addition to theirs; and, before I do so, permit me to express my opinion in relation to Canada, for it is due to this investigation that I should be rightly understood on that point. Canada as a territory is not worth one cent to us—I would not have it; and as affording the means of stirring up the savages alone can it be important? If Great Britain remains pacific and just towards us, and does not excite the Indians, they may keep Canada with my approbation forever; it is intrinsically of no value to us. I speak more particularly as a Western man. We have already territory enough for many years to come, and, by refusing to enlarge it by acquisitions on the Northern frontier, we secure to the West a continuation of the vast emigration from the Northern and Eastern sections of this Union, which not only contributes to increase the ratio of our numbers and enhance the value of our lands, but by degrees will effect a more important object. The emigrants will communicate to their friends who are left behind, that the jealousies which wicked and designing men are industriously exciting are unfounded and unjust; and they will by and by learn to judge of us correctly, and we shall thereby acquire the greatly desirable object, a national character, which is only to be attained by extinguishing sectional jealousies. Conquest, Mr. Chairman, is not our character; the Louisiana case is a memorable instance of it. When the right of deposit at Orleans, which was sanctioned by treaty, was prohibited by the unauthorized act of the Spanish Intendant, leading members of Opposition were then for buckling on the armor of war; they proposed raising an army of fifty thousand men to take the country, which they said we must have at any sacrifice; for, that the island of New Orleans alone would justify the expenditure. The Government concurred in opinion of its importance, but rejected the course advised for its acquisition; it would not wage war—“first strike and then hear” the explanation which Spain had to offer. The Spanish Government disavowed the act of its

agent, and the country was acquired by cession for \$15,000,000, about one-third of the price of one campaign.

Yet, when thus acquired, the same gentlemen condemned the acquisition and declared the bargain was a bad one. I repeat the assertion; a desire of conquest does not constitute a trait in our character, as this celebrated instance proves. But, say gentlemen, your operations are offensive in their nature, and this changes the character of the war. My friend from South Carolina (Mr. CALHOUN) gave the proper answer to this assertion—"the character of the war cannot be affected by the mode of conducting it; the causes of its origin alone give it a character, and that never changes unless the war is continued after the causes cease." This was the idea, if not the language of my friend, and surely the reasoning is conclusive. If the war was declared for just cause, how should a wise Government conduct it? I answer, make it fall as heavily on the enemy as possible within the lawful rules of warfare, and as lightly as it can on our own people. In order to do this it must attack him—put him on the defensive, and not wait to repel his attacks. It was said in the British Parliament, by Mr. Canning, that one of their "ablest friends in Congress" had declared that in a few months the British would destroy our towns and ravage the seacoast, and he upbraided the Ministry with the omission to verify this prediction. If the enemy had the power we know he would have executed it, as the defenceless villages on the Chesapeake show. And how has this been prevented? I answer, by invading his territory, compelling him to draw his forces there, and putting him on the defensive. If the character of the war depend upon the mode of carrying it on, if invading the territory of the enemy constitute offensive war, the war is offensive on his part; and thus, by the process of reasoning indulged by gentlemen, it is proved that each nation is carrying on an offensive war against the other at the same time, which involves the grossest absurdity. I suppose the enemy will be justified in his warfare—indeed he has been already—and we shall be told he attacks for his own defence and safety. It was for this purpose he carried his arms into Michigan, to the river Raisin, to Fort Meigs, Sandusky, Hampton, Erie, Black Rock, Buffalo, &c., where his footsteps were marked with butchery and bloodshed, conflagration, and rapine, which would have scandalized a cannibal. There was a paramount motive for invading Canada—there the Indians were hired by their cruel employers—there they were set on to deeds of blood, and there it was, that a price was promised them for the scalps of infant innocence and unprotected helpless women. And while the frontier man rushed to the battle at the call of his country, and opposed in fair and honorable combat the open invader—the red ally of England, who had been fattened and made strong by the bounty before he was so cruelly excited against his protector—the savage who was drawn from the wilds of his forest crept in behind him like a wolf into the sheep-

fold, and awakening his family from the midnight sleep by his horrible yells—the conflagration of their dwellings lighted him to their hiding place and with more than savage fury he tore the infant from its mother's bosom and beat out its brains against her head. When the soldier came back to find his family and his home, not a vestige of either remained, all were consumed by the fell destroyer, who had fled with their bleeding scalps to the British Proctors and Eliots, who paid the stipulated bounty.

Sir, I refer gentlemen to the celebrated speech of their friend (Mr. AMES) upon the British treaty. He urged its adoption because it gave up to us our own posts, where the British, as he admitted, influenced the Indians to make war; and I believe the treaty went down in consequence of the eloquence with which he pressed that subject. How, I ask, then, can gentlemen reconcile it to themselves to condemn the Government for exercising all its efforts to prevent this outrageous warfare? The British attempt to apologize for their barbarities by stating that they cannot restrain the Indians. This, if true, is no palliation. The ready reply is, you violate all the rules of civilized warfare by the use of any means you cannot control within them, and are answerable for such use. But the assertion is not true. We have been at last reluctantly constrained to employ the Indians in our just defence, and in no instance have they scalped the dead or murdered the prisoners; they have obeyed the orders of the American officers; and no doubt the British have been equally obeyed by those in their service. Suppose this system of carrying on the war on the defensive plan recommended were adopted; it would lead to consequences the most absurd, and humiliating, and destructive. The enemy invades your territory, and then, and then only, he is liable to your attacks. After striking his blow, your forces are marched against him, and he is driven to the line with his booty and prisoners;—with difficulty he eludes your grasp, until he rushes, exhausted and resistless, into his own territory, and a few hundred yards beyond your boundary he pitches his tents in security; the soldier's arm is paralyzed, his musket is stricken out of his hands, and the enemy riots in security before his eyes, surrounded by the inviolability of a contemptible policy. There he recruits his strength, strikes another blow elsewhere, flees again to the place of security, and is safe. Just like the felons in the iron times of feudal vassalage, who ran to the consecrated places of safety, where the sword of justice could never reach them. Then, indeed, would the Cockburns of England have verified the predictions of their "friend in Congress;" the disposable force of Canada, which was kept in check, might have been transported to attack our seaport towns in succession, and the cruelties and outrages of Hampton would have been tender mercies to what we should have suffered. The plan of the Administration for the conduct of the war is not only condemned in unqualified terms by the minority, but they have had the kindness to give

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their advice how to manage it for the future. They say, "repeal the embargo, send all your vessels to sea, and we will unite with you there. Take the Lakes and the St. Lawrence in this, and we will support you." I consider that something is gained by this admission. It now seems that it is not immoral to rejoice with us for our naval victories; gentlemen are willing to aid us also in achieving others.

Let us examine this concession with the argument that the war is unjust; that the war is offensive, &c. Surely the war on the ocean will be peculiarly offensive to Great Britain; "the sea is Britain's own domain"—"all under sea is British ground"—"Britannia rules the waves." These are the favorite themes of the fast-anchored isle; and dare we invade her dominion? That will indeed be offensive war! Sir, I consider the point of the justice, &c., of the war as conceded by the minority, if we will consent to fight with them in their own way. I should like to know how the war is to be conducted there. "Free trade and sailors' rights" are to be given up; the flag is to be struck, and, I suppose, we are to fight if molested in the enjoyment of the degradation. Gentlemen say, you are injured on the ocean—seek redress there. Why, then, attack on the Lakes and St. Lawrence? There, too, the war will be offensive; it will fall upon the "innocent, harmless Canadians" and His Majesty's sailors, poor souls, who never did you harm, except you choose to call by that harsh epithet the imprisonment of your seamen and murders of your women and children. Let us test these professions of Opposition by their practice. We ask money for the navy, and even that is refused—we ask it for the civil list, for paying the interest of the debt themselves assumed, for the defence of our seacoasts, &c., and they will not give one cent. And the plea set up by them is, "we will not give you money to carry on a war which you have not competency to conduct." I am ready to admit that the war has been in some places badly conducted; though I feel convinced the disasters and disappointments are attributable to the officers who have been confided in, and not to say any want of capacity or foresight in the head of the War Department. If candor and justice are more than an empty sound, there can be but one opinion on that subject, namely, that the genius, and talents, and capacity of the Secretary are of the highest order. But what, let me ask, is the amount of the objection? Nothing more than arguing against the cause by the effect, against the object of the operations by the failure of them. The failure of those operations has given rise to much eloquent sarcasm, and to a personality I regret. I regret that the gentleman from New York, who manifests so high a sense of his personal honor, and a determination to maintain his rights, should have thought fit to assail the honor of others. I am sure the gentleman in his cooler moments must condemn his attack on General Smyth, a gentleman whom I have only seen at this place some years since, whom I do not presume to vindicate, whose conduct I too have not

approved. I have understood, however, from an honorable source, that Smyth is not a coward; and the act alluded to, if evincing cowardice, implicates other gentlemen who advised the course he adopted, and surely the honorable member will not say they too are cowards.

I will notice another remark of the honorable gentleman. He said that invading Canada, the cornfields, wigwams, and hunting grounds of the Indians, justify the employment of them, to *defend* their rights and homes. What, sir, were they *defended* at Detroit, at Fort Meigs, the River Raisin, Buffalo, &c., where the Indian tore the scalp from the bleeding captive, before the tomahawk had terminated his sufferings!

Mr. Chairman, here lies the great misfortune under which our country groans: everything this Government does is condemned in language of the bitterest invective. No considerations of country can stay the wrath of its opponents. On the other hand, every act the enemy commits is justified or palliated. Nothing—not the dying groans of the aged and helpless, nor the cries of violated innocence—can excite their displeasure against the enemy. The gentleman from Virginia (Mr. SHEFFEY) says this censure is all right; it will do no harm to arraign Administration if its measures are wise and proper. Do gentlemen perceive the tendency of this argument? It is calculated to discredit themselves with the people, when they are even right. Having avowed their principles of action, and so often been driven from the untenable ground they have occupied, they will not be able to make the people listen to them. Great Britain teaches us a valuable lesson on this point. They have unanimously resolved to carry on the war against us, although they all know, and many of their distinguished statesmen have avowed, they are in the wrong. While here, every attempt is made to degrade the Government, to destroy the spirit of the nation, and snatch from the gallant soldier the meed of praise; for in this Hall, during this session, it has been affirmed that "necessity and vice were the only stimulants to enlistment." Why, Pitt and Fox, and Barré, have done the same in England, say the gentlemen. Sir, I reject the English precedents altogether, as not suited to a Government elective as ours is. I deny the application of them, if they were admissible. When these men stood up as the champions of liberty against the tyranny of the Ministry, which our fathers nobly and successfully resisted, they plead the cause of the American colonies against usurpation. The fetters of slavery had been forged for us; the cords with which they had bound us were drawn tighter every day. But, Sampson's hair was then unshorn, and, when he put forth his strength, they fell from his arms like slender threads. They opposed a wicked invasion of our rights; and if the same men were now living, and their principles were not changed, we should perceive a similar opposition to the subsequent invasions. Are the causes similar? Do we attack the unquestionable rights of England? Are we attempting the destruction of her commerce and enslavement

of her seamen? No, sir, we are defending the great rights of this new, but wonderful people, whose high destiny cannot—will not—brook the lawless encroachments of any nation. Gentlemen pressing the example of England, say, “the Tories, when in power, were patriots in opposition; that there is no other difference among men than a change of situation produces.” I regard this as a precious confession. It amounts to no less than an admission that they are engaged in a mere scramble for power; and if in power, they would pursue our course. Yes, I believe they would. Sir, the party who have so often manifested an extreme sensibility at the outrages they witnessed, while in power, have given a pledge to the nation that its rights would not be prostrated by submission to British encroachments. “Our arms have failed, (say gentlemen.) What is the cause of it? The fault lies not at the door of Opposition.” Yes, sir, I admit they have failed in some memorable instances; but I insist that the Opposition have been the cause of failure. The people of the United States are a thinking, calculating people. They are accustomed to confide their interests to men of their choice, whose candor and veracity are not questioned by them. They will not go with the Government, unless actuated by the impulses of their opinions. It is not sufficient that the Government have declared war; they, too, require to be convinced of its propriety. With this general temper—and it is certainly one of the characteristics of free Government—look to the means which have been pursued by Opposition ever since war was inevitable. The leaders have excited the people to distrust us; “trifles light as air” were adduced and urged as confirmations strong as proofs of Holy Writ. Their favorite presses diffused the poison far and wide, but the antidote was never administered by them to the people. I will venture to predict that the address of their leaders will prevent many of the people from ever hearing that the charges imputing the Russian mediation to the fraud and trick of the Administration has recoiled upon its authors. As soon as war was declared, these leaders entered their protest against it, in which they said that we had no cause of war, and impeached the motives of the majority who declared war. The clergy of these gentlemen’s party responded to their accusations that there was no cause of war, and that it was an immoral and unjust one. Their Governors denounced us for “fighting against the land of our fathers, and the bulwark of our religion.” They all proclaimed that Great Britain was fighting the battles of the world, and endeavored to enlist our sympathies in her favor. When we said to Great Britain, first do us justice before you demand our sympathy; do not attack America because you are fighting France; the partisans of England replied, you are under French influence. The citizen was dissuaded from entering into your army: it was said, if he spilt the blood of the enemy in this war, he would become a murderer. When money was solicited on loans, a venerable gentleman, now a member of this House, said it would be wicked to lend

money; he threatened, also, that the money would not be repaid—that the honor of the Government did not require a repayment. A most demoralizing sentiment, striking at the foundation of free Government: its basis is national faith, and he that destroys that, dissolves the Government.

I ask, sir, how stands the funding system? We all recollect the history of that nefarious speculation. The soldier’s necessities, in the poverty of your Government, had compelled him to sell your scrip at 2s. 6d. in the pound. The speculator came with it into the Congressional Hall, and voted to give *himself* the full nominal value. The discrimination proposed, which secured to the soldier a part of the funded debt, and the residue to the speculator, was rejected, and he retired to the haunts of poverty and wretchedness to drag out the remainder of a miserable life—rendered miserable by the injustice of his country. Yet, with a knowledge of these facts, no man dared to propose extinguishing the debt thus created, but by an honest payment of it, to the last dollar. This doctrine, which resolves the faith of the nation into the expediency of the measure that authorized the expenditure, was reserved for the pretended disciples of WASHINGTON, and its application to the payment of a debt created by the Government in its struggle to maintain the principles of the Revolution against the attacks of the same enemy who produced it.

Sir, the sinews of war are men and money. The Government appeals to the patriotism and interest of the people for those aids—they stimulate enlistments. The last, particularly, operates upon the money lenders; for, if it were patriotism alone that influenced them, they would not ask any interest, or at most six per cent., which is the general scale of legal interest; all beyond that, in legal acceptance, is usury. And, how can you expect that men who are induced by present interest, and ultimate security for the principal, will lend money, when the leaders of Opposition make them believe that they are sure of getting possession of the reins of Government soon, and will sponge out the debt?

These gentlemen say the people are against you, and that is in part the cause of your failure. When we ask why are they against us?—they say, you prove yourselves enemies to commerce—you carry on an unjust, offensive war—you are unable to manage a war, and we prophesied your failure. Mr. Chairman, no prophets are so true as those who effect their predictions—none are so dangerous as those who endeavor to effect them; rather than be convicted of false prophesy, they would see their country humbled, its rights invaded, its liberties destroyed.

But how are the people against us, we ask? Have we had a new election since the war, and acquired increased majorities? Yes, it is answered, you have—but it was the force of party that sustained you. Unfortunate minority! the energies of party are always against you. You, that have everything to gain by vigilance, are sleeping at your posts, while the great majority who apprehend no danger, alone are vigilant!

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You might as well tell me that the lamb is vigilant and the wolf sleepeth.

But we wish to destroy commerce—and by the Constitution it cannot be restricted. This is a new notion. These sticklers for the Constitution, during General Washington's Administration, authorized an embargo; to be continued, to be revoked, and renewed at his will, and to any extent he pleased; yet they deny us the power to pass a law definite in its object and extent.

Great Britain, we are told, destroyed our commerce; it kindled the fire of the Revolution: We resisted then, and we have the spirit and the means to resist now. I shall not reason as to this threatened resistance; it is too outrageous to be opposed by reasoning. Let treason rear its head, it will and must be put down though it have a thousand heads; and the very land where it is excited to overt acts, will furnish the means abundantly; they will give a new application to the favorite sentiment of its leaders, and they will prostrate the monster, "peaceably if they can, forcibly if they must."

Sir, the threat is idle; those who use it neither wish or intend its execution; the commercial interests, which it is said were the strong advocates for the Constitution, will not favor it for the same reasons that then influenced them. What is the course of trade and commerce in this country? The ship owners and navigators live in the North and East—I speak as to the great mass of them—the bulky products, the principal exports of the country, are from the South and West, and these products are carried to market by the owners of the shipping. Suppose, in a state of separation, we gave England a monopoly of our trade, the transportation of our produce to a market, and the exclusive supply of foreign merchandise. I need not give you a picture of the distress and ruin it would produce to them, whilst I hazard little in saying it would not injure us. They know this as well, or better than we do; and if patriotism cannot bind them to the Union, interest will. Is it pretended that our efforts in favor of free trade proceed from hostility to commerce; and that the destruction of it by Great Britain before the Revolution was no more than we practise? Cannot gentlemen perceive the distinction between regulating commerce by a foreign nation, and by their own Representatives? If they cannot they are fit tools for despotism and unworthy of participating in the blessings of a free Government. A new species of complaint seems about to be set up—not that commerce is regulated by the Congress; but that men presume to do it "who never saw a ship through the medium of the eye." What, are we to be told we are unfit to resist the usurpations of England unless we saw the vessels and cargoes of our merchants captured and confiscated? Cannot we imagine the tyranny of impressment unless we see the prisoner in his dungeon? Will gentlemen take no part with their country against the cruelties of savage warfare, unless they see the scalplings and butcheries of our women and children? I should be ashamed of the argument,

if one of our flat boats carrying a cargo of flour to New Orleans had been seized by the Spaniards when they owned Louisiana, and the crew sent to the mines—if one of my Western brethren had gravely told this House:—Gentlemen you cannot understand this outrage; it is idle and wicked for you to think it an indignity to the nation; therefore, it is improper for you to interfere in it, for you never saw a flat boat through the medium of the eye.

We are told, sir, that Massachusetts alone could have taken Canada, and this is a proof that the people are against us. It is proof of an alarming character when the energies of Government are so far paralyzed that the Union cannot effect what one of the States could if it were not for the Opposition. This say the gentlemen, is all right, Virginia did the same, she invited the people to meet and resist the Government of the Union. Virginia has been often misrepresented on this subject; it is to be regretted, that the facts were not better understood and respected in relation to her course. When the Constitution had been infracted by the passage of the alien and sedition acts, Virginia addressed the States as parties to the compact, inviting their serious attention and Constitutional co-operation; not to violate the Constitution, but to give efficacy to the Constitution; not to resist these laws by force and violence, but to effect a Constitutional repeal of them, either by changing the representation in Congress, or by a manly remonstrance calculated to convince the Congress of the correctness of their opinions and produce the consequent adoption of those opinions. And what was the conduct of the States except Kentucky? What was the language of the party, then, who now profess a regard for the example of Virginia? They denied the lawfulness of the course taken by Virginia, and denied it too not upon a question of expediency, which alone is involved by the act declaring war, as the power is not denied, but a question embracing a construction of the Constitution. Gentlemen advise us to desist from our efforts on the land, as Great Britain cares not for Canada. Sir, they are mistaken, as the force there and the allusion to it by the British Government serve to show. Stop, say the gentlemen, your war on the land. Raise an army to defend yourselves alone—quit the soil where you have the power to conquer, and go to sea where the enemy's force is all-powerful; do all this, and we will aid you—after peace in one line, viz: "Peace is restored between the United States and Great Britain," and we will assist you. I answer the gentlemen, we cannot adopt your advice to obtain your assistance in the defence which you offer in behalf of your country. "*Non tali auxilio, nec defensoribus istis tempus eget.*"

Mr. Chairman, we are now about to treat of peace, and the inquiry which each one puts to himself is, shall we have it? I say yes, because I sincerely wish it, and we easily believe what we wish. I say yes, because we seek it in the spirit of peace and justice. I say yes, because the

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only pretext which Great Britain had for refusing to make peace with us has been done away; and I will also say, if we fail to have peace, the Opposition will be the cause. The hopes of the Opposition for the possession of power, so ardently desired by them, depend on war alone in their opinion; and although I will not despair of my country by admitting that they can realize their hopes, even though the war shall continue for many years, yet Great Britain has been taught to believe this Opposition is a majority of the people; they have been repeatedly advised to discriminate between the people and the Government; and I almost fear they are deluded by these pretences; if so, it will require a seven years drubbing to beat John Bull into his senses. It is said that the army is to be a paper operation, an idle threat, and Great Britain will not succumb to threats; so they were told in the Revolution; all then they said was mere threat, and they must fight us into submission. I differ with gentlemen as to the true policy of a nation at war whose views are sincerely pacific; while it offers the olive branch in one hand, it should grasp the sword in the other—not to threaten, for true courage disdains to utter a threat, but to show to the enemy that it is not impelled by pusillanimity and fear, to ask for the blessings of peace. Such a nation can make a concession if it please without infringing its honor; like a brave man who extracts praise from his adversary by his actions, which if adopted by a coward would cover him with contempt. If we fail in the peace mission, and the dispute must be settled by the sword alone, we shall be prepared for the worst, and, learning wisdom from the past, we shall be formidable indeed for the future; then "let Greek meet Greek," and in the mighty tug of war, the conquered will preserve his honor. Our war measures are dictated by the spirit of peace; we will go on in the career of peace, and if it be denied to justice, it will be yielded to force; we will fight for it, notwithstanding gentlemen refuse their co-operation. The plea of some is, that the Government have no capacity to conduct the war; by others, that they have not and cannot procure the means of conducting it. These arguments are at variance with each other. When they wish to prove the incapacity of Administration, they say the means within their control have been adequate, and misapplied. When they arraign them for extravagance, they tell you the force was inconsiderable. I have made inquiries concerning the number of men in the military service for the first year, with a view to correct the statement of the gentleman from Virginia (Mr. SHEFFEY) as to the enormous cost of the Army per man—and I find that we had

In February, 1813, 18,000 regulars	} average.	25,000
In December, 32,000 do.		
12 months men, an average of		
Militia in that year, average	-	30,000

Total men, - - - 61,000

Making the expenditure about \$300 each man,

instead of \$1000, as by the computation of the gentleman.

We are informed however by him that ten millions of dollars are due for Army expenses, and the gentleman pledges himself there are at least five millions due, because, as he says, the claims were deferred at the War Office from month to month, in consequence of a rule that limited the expenditure in each month to one million and an half; and hence, in the scramble for the money, many claims were postponed for no other cause than a want of funds, and are yet unpaid. Therefore, the gentleman says he has a right to insist that the expenditure of this year will double the appropriation. Sir, I deny the statement of the gentleman in toto; and I feel authorized to assert that no legal claim, properly authenticated, has been presented without being paid; besides this, advances have been made for the recruiting service, and for the Quartermaster's department. The gentleman seemed to think it due to himself to specify some case, and he refers to the claim of Virginia, which he says is an equitable claim upon the Government. I concur in the opinion as to the character of the claim of our State. It is equitable beyond doubt, and the admission of the gentleman that it is not a legal one is fatal to his argument, because Congress must provide for it before the War Department can apply the law. Gentlemen are not content with refusing to us the means of attempting to get money; they deny our capacity even if the means are afforded. They say the public land and improved lands of the country afford no basis for the capacity of borrowing. The capacity to borrow depends first upon the wealth of the nation, and secondly upon the ability of the money-holders. The first affords a security to the lender for the ultimate payment of his money; and the second, the means of borrowing. The second depends too essentially upon the first for its existence, for the wealth of individuals increases the wealth of the nation. The public land, therefore, may be fairly resorted to as affording this security, if it were not ample besides. And the improved land of the country is the substantial representative of the floating capital, as well as the solid wealth of the community.

The gentleman says we have resorted to oppressive measures to create a capacity to lend; we have compelled the merchants to abandon commerce that we may have the use of their money; that the farmers are told, because they cannot lend, of the value and importance of engaging in manufactories; and the merchants, because they can lend, that manufactories will be a losing business for them. Sir, the argument of my honorable friend (Mr. EFFES) has not been fairly treated. He said nothing like this. Speaking of the ability of the community to lend, he remarked, that the merchants would invest their inactive capital in the funds, in order that when commerce was freed from the impositions of decrees and Orders in Council, the merchants would be enabled to withdraw the capital thus invested, and employ it in its accustomed chan-



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nel; that they could not, with equal facility, change its destination from objects of manufacturing employment, for the reasons he then gave, and they were certainly conclusive. My friend said nothing of the profits, but the investiture merely. As to the character of our measures, if it be oppression to prevent a treasonable intercourse with the enemy, or improvident shipments of property, which he will necessarily obtain, and which will materially strengthen him to annoy us, I admit the justice of the charge. I shall say nothing of the motive ascribed by the gentleman. He says Great Britain will get your stock to the amount of one hundred or one hundred and fifty millions, and this should be avoided. If the prediction were to be verified, I answer agreed. I have no objection; it will be a lien on their friendship, and will induce the wealthy men of the nation to desire a state of peace, and therefore to have justice done to us. The gentleman denies that such lending by British subjects will add to our capital. The argument he uses is a strange one—the position he assumed is not less so. The capital of the nation is cash, if you please; and we want an hundred millions, which the British lend us, and receive our paper. Is not the capital increased one hundred millions? No, says the gentleman, no money will be sent. How then, I ask, can they buy our stock, unless the balance of trade be against us to that amount? If the balance of trade be against us we must pay that balance in specie, and it will be immaterial whether we send the dollars or the stock; so that it will add eventually to the amount of our capital by retaining the money if about to go abroad, or by getting money if no remittances shall become necessary. It will draw out, says the gentleman, six or nine millions annually; this is admitted; but whenever an individual finds it necessary for the purposes of improving his estate to borrow money, he will add greatly to its value, although he must pay interest on the money he receives.

Mr. Chairman, gentlemen take great umbrage at the charge of "factious opposition" to Government; even when found opposing the wisest measures, which depend for their support on public opinion, and are maintained upon ground susceptible of demonstration; and they tell us the majority are a faction. Sir, the true definition of faction is not the spirit of the head but its members—a real majority cannot be a faction; there may be, by possibility, an accidental preponderance of a minority for a season, and if so, it is properly speaking a faction; but if we look to the examples of the wisest nations of antiquity, we find no instances of an actual majority combining or effecting the destruction of the country, which was always the tendency and result of faction. Greece, for example, under its head was irresistible. But the factions began to operate on the members of the Confederacy; jealousies, intestine commotions, grew out of their intrigues, and the States were stimulated by Philip to civil war; and what the power of Xerxes could not effect by his armies when Greece was united, was produced by a factious spirit in the States,

beneath which the grandeur and glory of the Republic fell. The example of Greece is fully in our view, and the same cause, the spirit of faction in the members, if it triumph over the patriotism of the people, will assuredly precipitate us into similar destruction. For the safety of my country and the last hopes of liberty on earth, I pray that this great national calamity may be forever averted.

Mr. JACKSON was followed by Mr. SHIPHERD, of New York, who occupied the floor till the usual hour of adjournment, without concluding his speech in reply.

FRIDAY, February 18.

On motion of Mr. JENNINGS, the Committee of Claims were instructed to inquire into the expediency of so amending the act entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash," as to make provision, by law, for compensating those individuals whose horses died or were rendered useless in consequence of wounds, received in the battle on the Wabash, or whose property was destroyed in conformity to the orders of the Commander-in-Chief.

Mr. RICHARDSON, of Massachusetts, laid upon the table the following resolution:

*Resolved,* That the Committee on Naval Affairs be directed to inquire into the expediency of providing by law for the appointment of Admirals in the Navy of the United States.

The House resumed the consideration of the report of the Committee of Elections on Mr. KELLY's petition, contesting the election of T. K. HARRIS, a member from Tennessee; which, after some discussion, was on motion of Mr. KENNEDY, of North Carolina, again ordered to lie on the table.

## THE LOAN BILL.

The House again went into a Committee of the Whole, on the Loan bill.

Mr. SHIPHERD, of New York, concluded his speech against the Administration and its measures; the whole of which follows:

Mr. Chairman: If my honorable friend from Maryland, (Mr. HANSON,) as he observed, felt the task too great to follow the gentlemen, who had so fully and so ably discussed the subject before the Committee, I trust and hope that a recollection of what has transpired since, as well as before he made the remark, will be a sufficient apology in the mind of the Committee, if the argument should droop in my possession. If, sir, a genius that irradiates and embellishes whatever it touches, approached the great and momentous question with awe, surely you will readily pronounce a lenient judgment upon the exertions of the humble intellect, that engages in this contest with fearful emotions; that from no passion to declaim, no vanity of public show enters the list, but from a deep sense, a solemn conviction, that the bill on your table is a measure replete with ruinous tendencies to the best interests of this

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once happy nation. Yes, sir, a sense of duty has constrained me to take the floor, and, in the language of expostulation, to raise my warning voice against a measure calculated to produce evils the most dreadful. Urged by considerations so serious and imperative, I cannot be silent; and although I may give offence, which is not intended, perplex and delay, which is not my object, I shall invite, indeed claim, your attention while the opportunity is permitted, of contending for my country's interest, and pleading her cause.

With these feelings, I must be excused if I proceed, notwithstanding the danger of giving offence to the advocates of this bill. And, sir, before your attention is called to the question immediately under consideration, I shall ask permission to notice a few remarks, made on the Army bill, by a gentleman from North Carolina, (Mr. MURFREE,) whom I very much respect for his talents and integrity, and who in debate observed, if my doctrine was correct, and the nations of the earth should all adopt it, there would be no more wars; and because there would not be, inferred that I must be incorrect; and the strong emphasis used by that gentleman evinced the triumph he felt in a supposed victory over his antagonist, who had advanced opinions against usages on which depended the salvation of this country. Sir, the consequences drawn from my premises are admitted to be correct. There would be no more wars, if all nations adopted what has been stated by me as the only true doctrine.

And what then? Then, sir, there would be peace! Dreadful dilemma! What an unpardonable heretic the man must be, that shall venture to maintain an argument in favor of principles, which are not only consistent with the precepts of the Christian religion, but, if adopted, would put an end to human butchery, and destroy the military profession altogether! I was not insensible of the risk which was run, in making the remarks that provoked the argument mentioned. It was expected that my observations would draw upon me the sneer and scoff of the sceptic, and perhaps the censure of men who maintain that wars are salutary, and tend to improve the condition of man, but it was not expected the honorable gentleman would have produced such an argument as he did.

Sir, I do most religiously believe the time is not far distant, when the clarion of war will give place to the voice of peace, and the arms of the warrior will form the ploughshare and pruning-hook of the husbandman; when the nations of the earth shall become brethren, and be linked in the chain of affection. Is there a gentleman in this House that could regret the approach of the happy time? Is there a benevolent heart in God's universe but would throb with joy, if the dawn of that propitious day was beginning to bless our world? Thus much for the argument of the honorable gentleman; and now, Mr. Chairman, you shall have my reasons against the bill on your table.

My opposition to that bill does not consist wholly in the idea, that it is avowed to be a war

measure; but there are extrinsic objects which present themselves in formidable shapes, and which, I am of opinion, ought to prevent its passage.

First. By crowding the market in such rapid succession with loans—large loans—you cheapen the credit of your Government, and too obviously exhibit your poverty and dependence, and thereby produce a result much to be dreaded. The public stock will depreciate until the credit of the Government is ruined. I am much mistaken, if this mortifying circumstance is not already in being, in some small degree, and which has arisen from the publicity of that bill.

While loans do not exceed the means of Government, stock, even at five and six per cent., is good property, and is subscribed for with avidity; but whenever it shall overleap the resources of the nation so much, that payment even of the interest becomes precarious, it is bad property even at twenty-five per cent.

Sir, no nation ought ever to borrow money beyond that sum, for the interest of which at least it can pledge a fund as security to the holder of the scrip, and out of which it will certainly be paid. By so doing your money is obtained at a low interest. These pledges of public faith are too much like your life-and-sacred-honor pledges; they afford no security to those who may wish or be interested in the performance, and on the whole are poor stuff; but if you ask for no more than can be secured, your stock goes into the hands of substantial capitalists at a fair price, and your credit is kept good. But, sir, go on in this way a little longer, with your laws to borrow, and the good faith of Government the only pledge, and men of capital will keep aloof from your paper; and if it sells at all it will go into the hands of that class of citizens who are ever ready to risk, not their capital, having none, but their personal responsibility, by buying in, below whatever is hoped may rise to par. Can gentlemen feel willing that the public paper shall be bandied about through the hands of unprincipled men, whose touch contaminates, blights, and withers? The bonus to be given for this loan is not limited; it is left to the discretion of your agent. He may sell your stock at a discount, which, of itself, would be proof of bankruptcy. There cannot be but one consequence of such improvidence—the ruin of your credit; and if gentlemen expect to continue the war, and satisfy its exigencies, by tempting the cupidity of Jews or note-shaving speculators, by giving eight, ten, and perhaps fifteen per cent. interest, or if they expect to borrow of those who borrow of the banks to lend them—borrow at low to lend on high interest—they must also expect that their war will be short; and, short as it may be, longer than the resources which are to supply it with means. And if any one expects a favorable result, he must feed his imagination on dreams that will never be realized.

Say what you will, sir, of the soundness of public faith and honesty, let the public be deprived of the means of paying, and how will their creditors be satisfied? They will not take their pay in pub-



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lic faith. Honesty, however valuable with means, is of no importance to the creditor without. Money lenders wish "to touch something solid." Give them a guarantee, and you save the bonus; you save your credit; you save every way.

Should this bill pass, sir, and your stock not be purchased at all, the public credit would suffer extremely—the stock of the other loans will sink, to the ruin of the owners. Well, sir, is there no danger of such an event; or do gentlemen flatter themselves that they can go on forever borrowing money, without a cent to pay it—without any fund from whence it can hereafter be drawn? If they do they must be disappointed; high interest must lose its influence where there is great danger that neither that or the principal will be paid. There is another evil much to be dreaded from these loans, bottomed on public faith. If they are taken up they endanger the banks; this effect has already been produced with those from which the money for the former loans was drawn; distrust excited vigilance, and hence the specie of the Union was suddenly put in motion. Let one bank of extensive business fail, and the whole moneyed world would tremble like an earthquake.

It is said we can pay the interest of our loans, and the principal may lie unpaid for a long time. By what means, sir, is this interest to be paid? Your commerce, from whence you derived a princely revenue, is no more. With your wars, non-intercourses, non-importations, and embargoes, you have dried up the abundant sources of income. It is true, notwithstanding the silly, unnatural, and ruinous experiments which have been made with the commerce of the Union, by the vigor of its Constitution, by the abundant strength it had acquired under Federal nurture, although smitten and wounded, it still was enabled to feed the mouth that traduced, and fill the hand that smote it. The last bold and deadly blow has ended its existence; all hopes of revenue from this once productive source must be abandoned; our last suicidal act has accomplished the great object—not of starving the enemy, but of impoverishing ourselves.

England, say gentlemen, borrows money, and yet their credit is not impaired. Yes, sir, England borrows money without jeopardizing her credit; and, if we would learn wisdom by example, we might do the same. Too proud to copy, we prefer a new policy, although engendered in moon-smitten brains, to the old, which experience has consecrated. England cherishes her commerce, and, in time of war, so far from abandoning, she doubles her patronage, conveys her vessels to the most distant climes, bestows every needed assistance, and, as a remuneration, the Governmental coffers are filled with money. We might have done the same, and we, too, should be amply indemnified. But no, we will only imitate England in her worst examples—examples of folly—and instead of adopting those which would have a beneficial effect, in order to make all of a piece, we must have all wrong.

Will gentlemen venture a system of taxation, commensurate with the constantly accruing

claims for interest and instalments of their numerous and large debts? Sir, the people will not submit to the unusual and oppressive burdens which taxation, equal to the object, would impose. They will seek in vain for a cordial compliance with such heavy requisitions, in the patriotism and loyalty of its citizens. Such expectations from a free people, long exempted from burdens, must arise in a mistaken opinion, that the patriotic spirit which animates the body politic is superhuman. I do not mean to doubt either the patriotism or loyalty of my countrymen in a reasonable degree; but I beseech gentlemen not to calculate for too much.

Love of country must and will depend upon the reciprocation of benefits by the rulers of the country. Do well by your citizens, if you intend to obtain a prompt and effectual support. Prove, sir, by your measures, a sincere desire to perpetuate the blessings of liberty, and protect the interest of your country, and you will then find in the affectionate liberality of the people means to answer all the exigencies of Government. You may for a while delude them, and by your slight of hand, your legerdemain, impose upon the understanding of the majority, but the moment your trick is discovered, you must be treated like other impostors, with their execration, if you venture to deceive them.

Let us now, sir, suppose our means to secure the payment of all these loans were ample, and thereby our credit was at par; where can be the policy of loading, not only the present, but unborn generations with debt? If we profess so much patriotism, let us evince it by our practice, act like wise and prudent politicians, sacredly regard the high trusts the people have placed in our hands for themselves and their posterity. Let us beware we do not attach to our memories the curses of those who are to follow us. The baneful effects of these indiscreet acts may be felt for centuries, and honesty and common philanthropy forbid experiments prejudicial to the interests of the future men of the Union. Sir, we are loudly admonished to hesitate and reflect well before we plunge down the precipice. As we value and would cherish the union of the States, cling to the Constitution, and preserve the country from revolution and civil war, it behooves us to avoid loading the nation with debt. The example of Great Britain would be dangerous to follow in this respect; the different nature of her Government renders those examples hazardous to be pursued. The unity of her Government, its consolidated strength, enables her to bear vastly more than this nation will ever consent to stand under; divided into separate States, any four or five of which might form a General Government, only load the people, until they stagger with the weight, and they will throw off their burden and seek their emancipation, by cutting the bands which, though once pleasant, will then be thought intolerable. And, sir, the debt will be more odious when the inducements to create it are remembered. It requires but common sagacity to perceive, that when the factious necessity of loans and

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taxes shall be discovered, the enthusiasm of the moment shall retire, sober reflection resume the stand, that it will be known with what prodigality the money of the nation has been lavished, and how causelessly it has been involved in debt. The people must sooner or later learn that the surplus fruits of severe labor will be required gradually to diminish that debt. An elevated sense of justice and moral obligation alone will then induce them to drudge on through life, deprived of the comforts, luxuries, and elegancies, to cancel the obligations of folly, and redeem the pledges of profligacy, made in the delirium of resentment, and goaded on by the thirst of revenge, for injuries which existed more in the heat of dis-tempered fancy than in reality; more especially as it will be known on what disadvantageous terms the debt has been contracted. Certainly, sir, if we dispassionately examine this subject, we shall and ought to fear that the people, rather than be doomed, with their descendants, to pay what was at least indiscreetly contracted, will barter their Union for a release in full, and abandon their creditors, obligations, allegiance, and Union, by one bold stroke.

Mr. Chairman, if all that has been said is unsubstantial, yet there is another ground which certainly is tenable; and although the reasons which may be offered shall fail to convince the advocates of the bill of their error, they will at least leave the consoling impression on my mind that they ought to convince; and, therefore, I have discharged my duty in offering them to the Committee.

This money, if borrowed, is to be appropriated to the further prosecution of an unjust, impolitic, and unhallowed war; if, therefore, I had no other objection, I could not vote for the bill consistent with my feelings; and I design to vote for no measure which is avowed an auxiliary to the war.

Mr. Chairman, possessing the feelings and views of this subject that I do, I need not examine the causes of the war. On a former occasion, I attempted to prove that no cause could justify an offensive war; be the cause, therefore, what it may, I will not lend my aid to continue its prosecution. I shall only here remark, that the principal cause alleged ceased directly after the war was declared; when the news arrived, the people flattered themselves with deceptive hopes, that the Administration, being governed by the principles that generally actuate public men, would have put an end to hostilities before much blood was shed. But as one cause is taken away, another, which was esteemed of far less consequence, is made to possess vast importance. The impressment of seamen is now, as has been almost from the beginning, the ostensible cause of hostilities. Here, sir, I wish to be understood as saying, that in every instance where our native seamen have been impressed, I join the minority in pronouncing the deed execrable, and the perpetrators or abettors deserving of severe punishment. And as much as any man, I feel the strongest indignation towards men so lost to a sense of humanity and common justice. I have

before said, and now say, if the evil exists, the Government have been remiss in omitting to provide a sufficient maritime force to convoy our vessels, and resist the aggressions. However, let it be remembered that the British Government pretend to no such right; they justify no such conduct in the subjects of the King; and if gentlemen on the other side are accurately understood, the war is continued for no such cause. The bone of contention is the claim on the part of the enemy, to take from merchant neutral vessels, in time of war, their own subjects, whether naturalized in a neutral country or not.

For those seamen are we fighting, and I am happy, on this part of the subject, to have the authority of an honorable gentleman from Virginia (Mr. JACKSON) to assert, that few indeed must be the number which has cost us much calamity, much suffering. That gentleman frankly admitted that few seamen were naturalized in this country; the nature of the case proves the correctness of the statement of the gentleman. Foreigners must reside in our country five years before they can become citizens, and seamen are not in the habit of residing on shore. We ought to presume that but few are naturalized, and still fewer, of course, are impressed.

This consideration most indubitably proves, that if the error was truth, that we are bound to protect such citizens on the ocean as well as by land, and avenge the invasion of their rights; that but very few of that description of seamen have been impressed. Admitting, however, that the number was much greater, the question then occurs, are we under any obligation to protect them, when their allegiance to us ceases beyond our jurisdictional line? Protection and allegiance go hand in hand, and who will pretend that a sailor on the ocean, or in a foreign port, owes allegiance to our Government? Whoever does, pretends without reason. The right to emigrate is warmly contended over the way. If a subject of a foreign prince has a good right to emigrate from his native country, *a fortiori*, he has a good right to emigrate from his adopted. If he can come here and be naturalized, and temporarily at least lay aside his native allegiance, no one can with reason deny his right to go back and resume it. If so, what becomes of this more than native allegiance? Sir, the position contended for by our Administration will not bear the touch of reason or argument. I understand the laws of nations to interdict expatriation; and although a subject may emigrate, he nevertheless is under obligation in time of war, if required, to return to the country that gave him birth. This is a right claimed by all civilized nations, and probably not disputed, until it was found to be a convenient subject of controversy with Great Britain.

Sir, I shall leave the further discussion of this question to other gentlemen, or to another subject, and shall only say, it appears very foolish to contend for a principle, which, if we could now compel our enemy to acknowledge, would be planting the seed of perpetual wars between us and the commercial nations of Europe, and

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would, in other respects, be sadly against our interest as a navigating nation. But the European nations will never be flogged into a belief that we are right; they know their own interests too well to yield to our demands; we must, therefore, either abandon this Executive phantom or doom our country to everlasting hostilities. Nothing can discover a more deranged state of the public mind than to see native American blood flowing, to defeat the legitimate claims of a Sovereign to his subject, and to maintain principles which I should much regret to see settled as a part of national law.

If our adopted citizens stay within our territory, it is admitted we are bound to protect them, and, by the act of naturalization, they are entitled to participate in all the blessings of our free Government; but if they will risk themselves on the ocean, where all nations have an equal common right, they must, and ought to expect, to take care for all consequences, whatever they may be. If we are to protect them there, the naturalization law will be a sore thing to us. Rivers of native blood, and millions of wealth must be wasted to protect a few score of men, whose services can be but of little value to our country—men who, for a better price, would abandon us on the first fair occasion. It cannot be denied, that a vast portion of the foreign seamen have obtained protections as native Americans, by the perjury of their companions, and for such men our country and its citizens must be devoted—immolated.

Now, sir, let us inquire who are the men that most loudly complain for the violation of "sailors' rights and free trade." Merchants? No. Those concerned in navigation, the only employers of sailors? No; but men who rarely ever saw a ship or sailor. These men, who have not, nor ever will have any concern with foreign commerce or navigation, not only feel the most aggrieved by the impressments, but, strange to tell, they seem to know much more about the number and circumstances of the impressed, than the very men who own the ships and employ the hands, and we are considered guilty of a barbarous incredulity if we doubt the testimony of those gentlemen, when opposed to the evidence of men who employ the sailors, and who live in the great commercial cities of the Union.

Gentlemen from the interior possess amazing tenderness—they profess to feel a melting sympathy for their sufferings, and burn with indignation to avenge their wrongs, while the North and East, who employ nine-tenths of the sailors of the Union, are so hard they cannot feel for, and so blind they cannot perceive those mighty wrongs and agonies so pathetically described on the other side, of the suffering sailors kidnapped by the unrelenting Britons. There is good reason why they neither feel nor see. The evils complained of exist chiefly in the distempered imagination of party zealots, are seen with jaundiced eyes—hence, men with good sight and cool heads are not beset with these phantoms.

Mr. Chairman, I have pointed out the men

who are fighting for "free trade and sailors' rights," and I have shown you the men whom gentlemen charge as being the enemies of both. Who are the former? Men who have no immediate interest in the subject of controversy. Who are the latter? Men who have acquired the support of themselves, their very subsistence, their wealth, by ships and by sailors. The former must have no experimental knowledge—the latter perfectly acquainted with every minutia.

The very sailors, sir, for whose grievances you continue the war, I venture to say, have been, and still are, opposed to your policy. They, like other men, must regard their interests, so far as to value the services from whence they obtain a subsistence. They can have no greater fancy for a system of starvation than other men. It is true, in profession, you are securing to them important rights; but in practice, you are annihilating the occupation for which they are only fitted; you have "taken away that on which they live;" you have robbed them of their bread. Before the war was declared, before any of those abominable restrictions which have maimed, crippled, and annihilated our navigation, were fastened upon it, the sailors whose interests lie so near the hearts of the majority, notwithstanding the dangers of impressment, had not the least inclination to abandon the ocean; the high wages allowed them all the support, all the affluence, the heart of a sailor desires—food, clothes, grog, and tobacco. How is it now, sir? in redressing their wrongs, you have destroyed their rights. They have been, and still are, compelled to pine in want on your shores, live on charity, or seek that employment and subsistence, which their country has denied them, in the vessels of the enemy; yes, sir, thousands of the very men whose supposed injuries have produced such calamities to this nation, have sought employment from the nation whose barbarity, as pretended, fills the sailor's heart with terror and dismay.

You will perceive, sir, the effect of your officious benevolence to the American tars, you must perceive the melancholy fruits of your overweening fondness to intermeddle with a concern you neither understood or regarded. There is no fiction here; the facts are true.

Can you, then, sir, wish any stronger evidence of the impolicy of your measures, than to see the foundation of your resentments pronounced—practically pronounced—fictitious; the merchant struggling, notwithstanding restrictions, to gain the element where the Government pronounced his interests in jeopardy, and preferring the risk to the safety you tender him? The sailor, whose cause it is said we are fighting, seeking protection, employment, and support from his despoiler?

Sir, who can be so blind as to believe your professions sincere? that you have laid your restrictions upon commerce from a friendship to that commerce; that you have declared war from a sincere desire to benefit the sailor, or the employment by which he lives? Experiments are not green; gentlemen must have learned the

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baneful effects of their policy long before the war was declared, and the opinions of men who best know, and are most interested, in giving correct information.

It is a truth, sir, no one can contradict, that the party in power have ever been the foes of commerce, navigation, and all their appendages. From Mr. Jefferson down, the benefit of abandoning the ocean has been constantly urged. Long have they contended that our true policy consisted in leaving altogether the carrying even of our own productions to the carriers of Europe, and become terrapins. Indeed the object was entertained with so much fondness by the late President, that in the raptures of prophetic vision, his strong passion burst forth while describing the glorious day "when the planter and manufacturer should be seated side by side." And, sir, this pleasing mania is by no means confined to that great inventor of modern *hydrophobia*. The last Message of the President to this House at the opening of the session, after recounting the splendid victories and splendid failures of the last campaign, congratulates us upon one glorious advantage gained by the war, that the people have been driven from commerce to manufactories; that our losses and disasters are overbalanced by this acquisition. This, although not a literal quotation from the Message, is its only obvious meaning.

An honorable colleague of mine (Mr. TAYLOR) some time since availed himself of this text, when speaking of the army bill, and delivered us a comment upon it to enforce the truth of the President's statement. I need not multiply proof that the party in power, from the beginning, have been the acknowledged foe of commerce and navigation. What blind infatuation, then, must bewilder the mind that can believe this war was declared to maintain "Sailors' rights and free trade?"

To rebut the proofs of the impolicy of Democratic measures derived from the opinion and practice of merchants, it is said there are no patriots, but, their affection fixed on their money-making business, their hearts and feelings are not warmed with the generous patriotic glow, and therefore their testimony is not to be relied on. Well, sir, if this was really true; if patriotism is a plant of such rare growth that it cannot flourish but near the heat of a tropical sun, or far removed from the blighting sea breeze; if our merchants of the North do not possess this inland, sun-burned patriotism, yet they have some regard to their interests, and from those interests we are to expect a correct statement. If measures are to be adopted for their benefit, nothing can be more fit or natural than that they who best know their interests, and who will declare the truth to promote them, should be consulted, and their advice adopted. Learn their interest, and you learn the interest of the sailor and of navigation. Who, then, sir, but perceives the counting-house to be the most authentic source of information. To that ought the Legislature when about to enact laws on this subject to re-

sort, and from thence obtain the fruits of experience, opinions founded on practice, and lay aside the visionary theories that haunt the brains of political innovators.

Much as gentlemen may boast of their love of the sailors' and merchants' rights; much as they contend for "free trade," the whole have suffered more loss and privation from those laws, enacted professedly to protect their interest, than they would have done for half a century from the British, adopting the periods of the greatest spoliation as the data of calculation.

Mr. Chairman, I shall vote against this bill for another reason. It must be unsafe to intrust in the hands of men who have exercised their powers with the most palpable partiality towards the two great belligerents; whether this has been done with good or ill intentions, need not now be determined. It is sufficient for me if so is the fact. To be sure I have formed an opinion, but the argument requires not that it should be expressed.

When the war was declared, the wrongs for which we are fighting England existed undressed against France, in a much greater or more aggravated degree. Their decrees, which had made such merciless havoc among our vessels and sailors, it is true, were repealed, but no atonement, no reparation, had been offered or obtained for the injuries they had produced. If war was necessary against England, why in the name of justice was France exempted from the vengeance of our injured, despoiled, and insulted people?

Need I mention the decrees, by the authority of which our property was confiscated, because the vessel had been spoken with by the British? Need I mention that unprecedented outrage of all principle and right, a decree made with an *ex post facto* sweep, so as to catch in the infernal net of confiscation a large American fleet, in the ports of France, of immense value? Need I mention the impressment of our seamen, burning of our vessels, imprisoning and starving their crews, by the French? Need I mention the insulting letters of the *Duc de Cadore*, a *Turreau*, and others? Need I mention the shameful concealment of the repealing decree, until it was well known in France, that we really designed to declare war against Great Britain? These are all old and well-known truths, but they are no less applicable or authentic on account of age or publicity. They still exist as truths, and they still speak a language which cannot be misunderstood. From all these facts, sir, an inference results as certain, as conclusive, as the demonstration of mathematics. It is in vain to attempt giving any other construction to such prominent, indubitable transactions. Conviction flashes from them to the unprejudiced mind, and they speak a language too loud not to be heard, too plain not to be understood; sophistry and quibble lose their wonted efficacy when opposed to demonstration so perspicuous, so cogent.

It must create some surprise that gentlemen can acknowledge, (and many if not all of them

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do acknowledge the existence of these outrages,) and yet argue or pretend that the conduct of Government has been fair and impartial.

If France had really been guilty of all the crimes imputed to her, it is too evident to be denied, that France was incomparably more guilty. I challenge gentlemen to show an instance of British aggression to be compared, in turpitude, with the French burnings and confiscations; or, insult in the whole British diplomacy, for unblushing impudence, to be compared with the letters of Champagne, Cadore, and Turreau. Why, then, I again ask, should we discriminate? There was no justifiable cause. With France we had a treaty, which was violated; with England, none.

If the Government honestly believed it was good policy to spare France and fight England, why has France been spared on paper? We have too many samples of the ability of the Administration to scold, to believe its silence in relation to the numerous and continued injuries and injustice she had done us, originated in any want of capacity to complain, and denounce with skill. Yet it is a fact that these enormities and insufferable outrages have passed in complacent silence, save now and then a gentle murmur breathed in suppliant tone, by our Ministers to his Imperial Majesty, or now and then a sentence from the palace to this House.

It is a truth degrading and disgraceful to the American Government and nation, that the same Messages which have been replete with *anathemas* against England, have contained but a single short five-line paragraph, and that "soft as the kindest note of love" against France: "That she had not in every respect behaved quite as she ought to, but all would be arranged agreeably to our mutual wishes, and shortly the two nations would be on the best terms of amity." Or that "the Emperor had gone to his wars, and of course no opportunity had yet offered to settle the little difference between us." This is the kind of complaint, Mr. Chairman, that for many years past has been made against a nation from whom we were enduring every wrong which it had power to perpetrate.

But, if possible, let us suppose all this had been done by our Government from the best of motives. It will not be denied that the declaration of war against England was calculated, if not intended to aid France in the great career of universal dominion. The nations of Europe had bowed to the monster, wore his chains, or were fascinated by his spells. The "fast-anchored isle," alone faithful to her own and the liberties of the world, was then, as appeared to human sight, "the world's last hope." And the declaration of war must necessarily tend to take away that.

It could not escape the perceptions of the advocates of the war, that if we were capable of weakening England, we should strengthen France. Every blow we gave her was a blow to promote the slavery of the world. It in reality, sir, was forming an alliance with the French

Emperor. We were doing all he asked. Only fight his battles, and he would consent that we should give a name to the relation in which we stood. The practical effect, and not the name, was important in the mind of the tyrant. This objection, if alone, was sufficient to prevent a declaration of war against a nation who had stood single-handed the shield of mankind; and at that time the power and attitude of Bonaparte threatened subjugation to the civilized world. The British fleet seemed the only barrier to check his progress in his ambitious and sanguinary career to a despotism of the globe. For it will be remembered that then the Emperor Alexander had not hunted him from the regions of snow; had not chased him with scorpion whip, in disgrace and dismay, back to his country. No, sir, he had not; but if he had, confident I am, that this war would not have been declared.

I am sorry to say, sir, that I do believe, not only too friendly an intimacy with the Emperor Napoleon, but a too severe resentment against Great Britain, contributed to the unhappy state of our country. I do fear, sir, that this war owed its existence more to the inveterate ill will of the Government to the enemy, than any sense of wrong which we have suffered, or disposition to obtain justice for this injured nation. The conduct of the ruling party, their language in and out of office, has ever bespoken the most irreconcilable hatred towards that nation.

I need not produce cases where the unfriendly feelings of the Government have been manifested. For since the party came into power, the Executive acts of the Government, the debates in the Legislature, and the laws of the Union, have kept time with the malevolent notes of his Imperial and Royal Majesty. Every attempt at negotiation has been but an attempt to convince England how detestable she appeared in the eye of the American Government. I need, sir, only refer you to the palace messages, to debates on this floor, to the State papers in your Library, for evidence enough to conquer scepticism, and prove what riveted detestation of the English nation occupied the heart of the Government.

The British Minister, Mr. Jackson, was immolated to Executive prejudice before he reached our shores. He was insulted afterwards, and driven from his diplomatic station with absolute rudeness.

The same Cabinet, which but just before could tamely crouch under a load of insult from the French Minister, became of a sudden electrified with resentment of a very furious kind at some little insult of Mr. Jackson, who was then accused of misplacing his words, notwithstanding the difficulty was so trifling, that the critic's eye has since sought, but sought in vain, to discover it.

The Henry scheme was another instance, not only of ridiculous pusillanimity, but evincing the avidity which the Cabinet entertained to seize at every circumstance that could be used as an occasion of crimination against the British.

Although this miserable project, which could

not spring from a *sane* mind, failed to excite any feelings but contempt for the projector, it no less proves how much prejudice may derange a mind which once had some pretensions to knowledge, and the incorrigible nature of that hatred which shall induce a man to attempt the destruction of a gigantic antagonist with straws.

So open and boisterous has been the resentment of gentlemen on this floor, that no one could doubt the design of the Government ultimately to have a rupture with the British. And one gentleman, in the warmth of his malevolent zeal, invoked "the red artillery of Heaven." For what use? "To unmoor the fast-anchored isle." Pious wish. To engulf in the ocean a whole nation—for what? Because they were British subjects. There was no other cause. And, sir, permit me to say, the gentleman but echoed the language and bespoke the feelings of the ruling men of our country. Such is the deadly hatred that rankles in their bosoms, they would impiously court the weapons of Omnipotence to gratify their vengeance. And, why, sir, all this hatred against England? A nation who has done more to enlighten mankind, to encourage the arts and sciences, and disseminate the knowledge of the Christian religion than all the world besides. By the pious enterprise of those people "the solitary places have been made glad, and the wilderness to blossom like the rose." The ambassadors of the Redeemer have been encouraged and supported by the English missionary societies to carry the Gospel among the worshippers of *Brahma*.

Is it, sir, nothing to us that we descended from them, speak their language, have adopted their religion, from them drawn our maxims of jurisprudence? Is it nothing to us that their Government secures the liberty of the subject, and the uprightness and talents of their courts of judicature, his rights? Is the similarity of manners, customs, and pursuits adopted here, to those adopted there, nothing to the American people? The Constitution we all unite in commending, most evidently was drawn in imitation of the British.

With all these inducements to a good understanding, and with the adoption of the amazing value of British commerce to us, strange as it may seem, they are the last nation on earth whom we should favor, and the first in the implacable hatred of our Government.

England has her faults—great faults—for them I am not her apologist. When criminal, I would neither excuse or conceal her crime. But, sir, the honest mind which would condemn her vices will commend her virtues; and although now an enemy, we owe her justice—to withhold it, argues a degenerate soul.

For these remarks I may be represented by some lurking fiend of a "Tyro" as a British partisan, but whether so or not, I shall be bold to declare the truth. Thank God, the taste or feelings of the majority cannot by law govern mine, and I am left free to judge for myself; and while I shall not seek to give offence, I shall by no

means stint the truth, lest men who profess to believe no man a patriot unless he hates and detests Great Britain should be offended.

I fear, sir, the hatred of England and attachment to France originated from one cause—in the vile principles of a Voltaire and Godwin, and the whole illuminated fraternity. Principles which have been wasting the nations of Europe, since the French Revolution, and which have too long trampled over the virtues and piety, and consequently the happiness of the American people.

It is avowed by gentlemen over the way that a conquest of the Canadas is one inducement for continuing the war. On a former occasion, sir, I had the honor to address this Committee, in opposition to any further attempts to accomplish any object attended with so much peril. Permit me now to say if you had the Canadas, if we could show ourselves capable of conquering this people, I fear we should pay too dear for a trifling object at best.

A gentleman from Pennsylvania (Mr. INGERSOLL) observed, that Canada must be conquered for the glory of the achievement. Sir, there can be no glory if you do the deed. Does the gentleman pant for such cheap glory? A nation of eight millions, and the descendants of men who in a mighty and truly glorious struggle, bearded the British Lion in person, and wrested from his paws our infant Independence, and hunted him foiled and dismayed from our shores! To deserve fame, we must do more than conquer the Canadas, the whole population of which is less than a sixteenth of our number. If, sir, the gentleman wishes to ennoble his country by great military achievements, and spread a lustre over this epoch of her history, why not march at once to the mouth of the Lion's den, clench him by the mane, and drag him forth to slaughter? If he can do this, and fame is worth fighting for, the end would then be attained.

Only invade the island of Great Britain, march through the country, and compel the kingdom to submit to your superior strength, and our nation then will make a figure in the history of battles.

[Here, on motion of Mr. NELSON, the Committee rose, reported progress and obtained leave to sit again, and the House adjourned. The next morning Mr. SHEPHERD proceeded.]

Mr. Chairman, with much pleasure I pay the tribute of thanks to the Committee for their vote yesterday, to rise at a time when I was exhausted. By so doing, they have afforded me the opportunity of pursuing my remarks, refreshed and invigorated. Particularly would I express my gratitude to the honorable gentleman from Virginia, (Mr. NELSON,) for the motion to rise; perceiving my strength much impaired by fatigue, he declared himself governed by this motive, to give me time for any farther remarks I should wish to make. Sir, this motion and the motive which induced it, was truly honorable. It was what might be expected from that gentleman, whose magnanimous mind disdains a mean advantage over an antagonist. He therefore acted like him-



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self. It is the degenerate soul that would steal a victory; the noble mind wins it.

Yesterday, sir, when the Committee rose, I was observing, if national glory was the object, it was not to be obtained in the conquest of Canada. Permit me now to observe, sir, if a wish to compel Great Britain to give up her claims of impressment, as is most probably the design of the Government, the conquest of Canada would be equally futile; for you would be no nearer the consummation of your wishes than you are now. Sir, Great Britain is not conquered if the Canadas fall, and you have done nothing even then, towards conquering of her.

A nation omnipotent—for a gentleman on my left from Louisiana (Mr. ROBINSON) really declared that she possessed the most of the West India islands—in alliance with nearly all the continent of Europe; pursuing with her allies the most splendid victories the world has ever witnessed; with her forty millions of black inhabitants in the East Indies, and a thousand armed ships upon the ocean; will not submit as conquered, if we should obtain possession of the Canadas. This powerful nation, who holds the destinies of Europe and the trident of Neptune in her hands, who at no period of her history ever had the fame, the power, or the friends, as at this time, will not give up an *iota* of her pretensions, because a speck of her dominions may be for a time wrested from her. If all Europe combined could not make her yield, what ridiculous expectations must we entertain if we, for a moment, flatter ourselves that she will now yield to us that trident of the ocean, when all Europe are her friends? Before she would do so, sir, she would meet you on the banks of the St. Lawrence, with a mingled army of Sepoys from the East Indies, with the subsidized Tartar, Cossack, and Muscovite; the Swede and the Prussian; the Spaniard and Portuguese; the African from his native coast and the West Indies.

France, with whom she has been long contending, and for which contest her armies have been necessary, is now driven within her ancient limits. Spain and Portugal are emancipated. They have broken the tyrant's chains and are again free.

England can now send her armies to Canada, and were the two provinces in our possession, they would compel us to surrender them, or we must wage perpetual war.

Sir, do gentlemen believe that that proud nation would consent to make peace while Canada was in our hands by conquest? Is it thus they have learned the British spirit? Let gentlemen look into their own hearts before they form a definitive opinion on this subject, and then determine if we were invaded and a State taken from us, whether we would make peace, until it was either regained by force or restored by consent?

But other motives induce gentlemen to wish for the Canadas. The Indians, say they, are perpetually annoying our frontier, and if we had them this great evil might be remedied. Sir, do gentlemen believe, that the extending our juris-

diction over that country, would tame the spirit of the savage, and make him contented to cultivate the arts of peace? I fully believe that those children of nature will continue fond of war, until their minds are enlightened by science, their hearts softened by religion, their conditions meliorated by the improvement of arts. It is idle to believe, that in their obedience to law, you will find security for their peaceable behaviour, even if you had the country where they live. Depend upon it, sir, while the savage spirit remains, they will have war; and if two contiguous tribes will go to war with each other, there can be no safety or security to us, in extending our jurisdiction over the wilderness they inhabit. Do gentlemen discover what should prevent their retaliation of injuries upon our people, who may reside near or among them? Injuries will ever be offered them by the whites; that has been the case perpetually, since the first settlement of this country by Europeans. They either have been unjustly treated, or they suppose they have, and whether one or the other, will equally tempt them to unsheathe the scalping knife.

Revenge is a law with them, and they will ever seek this kind of redress for injuries—and this is not confined to themselves, but is handed down—the son fights to avenge the blood of his father, or the grandson his grandfather, or the descendant his ancestor. Think you then, sir, if we had this vast wilderness, the residence of the numerous tribes which are now formidable to the frontiers, they would want motives to butcher the inhabitants who should live near them? Sir, I cannot but think it would increase, rather than diminish this great evil.

If you obtain their country by conquest, you fix in the savage breast an hereditary feud, which may continue we know not how long. It is a far fetched argument to my mind, that you produce a peaceful quiet spirit in the Indian, by tearing from him his country by force of arms.

Another reason is given by a gentleman from Tennessee (Mr. HUMPHRIES) for conquering Canada—it would be convenient to us to have it. Yes, sir, and it would be very convenient for the Canadians to have the United States; it would not only enlarge their territory and the riches of their King, but would prevent us from molesting them; and, sir, permit me to say, they are as justly entitled to the United States, as we are to Canada; and they have as much reason to seize our country, to prevent our incursions, as we have to seize theirs, to prevent the incursions of the Indians.

The only difference between us in this respect, is, that we have the most power; and shall we, from the mere circumstance that we are able, unjustly despoil any nation, savage or civilized? God forbid! Honesty is the best policy, and "righteousness will exalt a nation;" rapine and injustice will depress and ruin it. In my soul I loathe and abhor that avaricious spirit, as well in a nation as an individual, that covets all the wealth, convenience, and territory, which is in sight. It is the base offspring of low-minded



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selfishness, and degrades man even below his fallen state.

And shall a nation whose country has been denominated "the asylum of oppressed humanity," who boast of their love of justice, and sacred regard for the liberties and rights of man, avow a principle which would degrade the Hottentot? No, sir. Let us exemplify by practice, that it was not in vain our country suffered so many privations, to erect here the temple of Freedom, and when our Constitution was finished, we held it up in one hand to the admiration of the world, and in the other the olive branch, as a token that we would never violate the principles of the former, or for ambition and avarice stain with blood the other.

Why that burst of execration from our lips, at the foul deed of conquering Poland, if such deeds are harmless? It would require nice discriminating intellects to distinguish between the turpitude of the two cases.

The conquering Powers there forgot right and humanity, in the plenitude of their powers; and had we power to take Canada, and did it to suit our convenience, we should be guilty of the same abominable outrage upon the principles of common justice; and much as the Indian is condemned for coming on our land, and murdering our citizens, it is no more criminal than for our people to go there and murder the Indians. The life and property of the savage, are as sacred in the sight of God as the lives and property of the citizens of this country. If there is any difference we are the most criminal—on account of our superior opportunity to learn justice and humanity.

The Indian, from his infancy, is taught that revenge is a virtue. The religion of the Messiah teaches us that it is abhorrent; therefore by how much more we know our duty, by so much more we are guilty if we depart from it.

Mr. Chairman, there is still another objection to the war. You are about to raise nearly seventy thousand men; for what? To defend your soil? No; but to invade the soil of your neighbor. The whole of these men are to be placed at the control, to obey the nod of a single leader. Who that leader will be is not known. Confident I am, he will not be a Washington, a Greene, or a Hamilton. They are no more; and if their mantles have fallen upon any of their survivors, no one of those survivors has been invited or induced to take the charge of our armies. The conducting of the military operations has, as yet, been chiefly placed in the hands of men who have given you pitiful security of future glory. What can we expect, sir, but ultimate ruin, when the Government shall select to high command men who have not scrupled to sow sedition among an army led by Washington, or barter away the independence of the country for Spanish silver? What security have you, sir, that such men, with such an army, will not, in despite of your interdictions, become Cæars and pass the Rubicon of your liberties? The public ought not to confide in the integrity of such men. The risk is too great; and to derive confidence of safety from

the impotence of the Army when opposed to the people, or by reposing on the loyalty of the troops, would be but wretched security. Should the arms of such an army, headed by an ambitious demagogue, be turned against the country, it would experience sad scenes, horrid discomfiture, and it would be a miracle if such a leader, holding out the immense plunder to be distributed among his troops, should not be able to merge their loyalty and virtue in the sanguine hopes of gain. What commander of an army ever failed to corrupt his soldiers if he attempted? Depend upon it, sir, we should have no security from that source.

These suggestions may be received with the fearless smile of incredulity by gentlemen who advocate the bill; but it is not weakness or jealousy that leads the mind to fears of this nature. It is a subject worthy of consideration. Men are still men; and the same lust of power that could tempt the Jacobin Absalom to rebel against his good king and indulgent father, might tempt your chief to seek a throne erected upon the ruins of your Republic.

When invaded, sir, we must have armies; but in that case, there is far less danger of any ambitious project to turn their arms against the country. In such case the people are most generally united by danger and necessity of common defence; but where you teach your officers, your soldiers, the lesson, and prove it by example, that the idea of justice and humanity is lost in the power of your arms, what else can you expect in case an ambitious and unprincipled man shall be placed at the head of your armies, sent to commit acts which lay aside morality and religion, than that he, whether he should succeed or fail in the enterprise, should attempt to profit himself by the means in his own hands? Sir, the man who could wantonly and wickedly attempt to promote sedition among the American troops in the last war, with the same black and diabolical heart, grown more hard by a repetition of vile intrigue and occult villainy, would not hesitate to seduce from their allegiance the American Army now; and that man still exists in our country, and, much to the disgrace of those who appointed him, in high and responsible office.

This war, Mr. Chairman, is wrong; it was wrongfully commenced; it has been wrongfully prosecuted. Such a scene of ridiculous misfortune and defeat perhaps never was known. Why then make further experiments? Stop while you have anything left. You have gambled away the national character, destroyed the national credit, and nearly exhausted the national finances.

Should a new army be raised, and a new loan be filled, the men and money are to be subject to the same indiscretion, the same profligacy; and, sir, prudence forbids that the public money should any farther be placed at the disposal of men who merge the dearest interests of the people in their own, or sacrifice to any extent the public finance in gratifying some favorite feeling or passion.

Six hundred thousand dollars of the public money was most imprudently put into the hands of a little Governor of New York, (I mean no

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disrespect to that gentleman, but that he was not a proper officer, to whom it should have been paid.) Why was this money placed in the hands of a Governor? Surely he was not a paymaster, or any other officer of the Union, and could not pledge any official responsibility. This money undoubtedly was a favor to the Governor, and secured his last election. Whether it has been accounted for or not, is yet to be learned.

If there was no other objection to this bill, it is enough, that the money, if raised, is to be handled by men unworthy of confidence; I mean not to say that all are of that description. There are good men in office—nor would it here be proper to discriminate. It is enough for my purpose, that the Government will employ agents, who deserve not to be intrusted.

Again, look, sir, at the two campaigns already past, and read the future fortune of the Army; and, sir, the more perfectly to understand what has been done, I point you to a little book from the War Office, containing the epistolary correspondence of your Generals. That pamphlet alone is a sufficient sample to show the total want of arrangement, system, or concert. Time will not permit me to examine its contents; but take it in mass, and it proves how badly every operation was contrived, how wretchedly executed, and the jealousies, feuds, and insubordination of the officers. General Wilkinson attributes to the disobedience of General Hampton the failure of capturing Montreal; and in the same letter shows that there could be no necessity for his aid, as he expressly states, that six hundred men only guarded that city, while General Wilkinson's army exceeded five thousand effective men.

I am no judge, sir, but military men pronounce leaving the forts in Kingston and Prescott, to pour out an army upon the rear of the Americans, "to scratch them in the back," as an unpardonable oversight; and I confess reason seems to fortify the opinion. Whose fault this was seems not to be determined; indeed, the statements of the Secretary at War and the commander of the army are so equivocal, that those gentlemen, some time after, seem not to know what opinions they had given. What, then, but a disregard to the welfare of our country, or some fatal error, will induce us to make further experiments which promise but to waste the blood, the treasure, and the character of the nation, in abortive attempts to retrieve our losses?

Mr. Chairman, the gentlemen opposed to us do not agree in their opinion of what is right, what is the law of nations; and although their difference does not prove that they are all wrong, yet it is strong evidence that one is wrong; if, therefore, they cannot agree about their principles, while laboring to maintain the same cause, they cannot complain of the minority for differing altogether with one of them.

The gentleman from Pennsylvania (Mr. INGERSOLL) declared that he was well satisfied all our difficulties had arisen from the denial of Great Britain that free ships make free goods, and he exhausted much time to prove the correctness of

the position. The gentleman from Virginia (Mr. JACKSON) frankly declared that no pretension was made, that free ships make free goods. In this essential and important point these gentlemen are at issue. Strange, then, they should so severely reprobate the opposition from this side to principles which they cannot agree about themselves! The gentleman from Virginia also declared that he would not have gone to war for naturalized seamen; while the gentleman from Pennsylvania stated that no peace could be made until the British would abandon the right of impressing them. Here we find those gentlemen contending against each other, not only as to the freedom of goods which have a neutral flag waving over them, but as it respects the only remaining cause of war. Shall the war then be continued, so long as its advocates really prove the right for which we are fighting is of a nature so equivocal, that the advocates of that war hold different language and different opinions as relating to the cause?

The gentleman from Virginia advanced one proposition which I cannot omit to notice. That "retaliation to be just must not fall on the innocent third party." Now, sir, I admit this to be true; and if true, what will become of the President's system of retaliation upon British captives? Their innocence is not, cannot be denied. They have no other guilt than every man who is connected in a defensive war.

This remark of the gentleman leads me back once more to the French. He made the remark as applicable to the relation between the United States and Great Britain, to show the unjust character of the Orders in Council, which are pretended by the British as a measure of retaliation against the French; and, said the gentleman, "if they intended to retaliate on France, they had no right to injure us." Be it so. And then, permit me to ask how can the gentleman from Virginia, in the same speech, in the same section of his argument, justify the decrees of Berlin and Milan, as a retaliatory measure against England, for what he calls her paper blockade? It will not be denied, either that we are an innocent third party, or that we have suffered great loss in consequence of those decrees; and if all this be true, what becomes of the boasted impartiality of our Government in relation to both these belligerent Powers?

The gentleman further remarked that the late President did right in sending back the Treaty of 1806. Sir, this act of Mr. Jefferson cannot be justified. In the first place, admitting the treaty to possess such demerits as required its rejection, yet the President alone had no power to determine the point; he should have laid it before the Senate. And, secondly, I venture to say, the ratification of that treaty would have been a glorious thing to our country; and those glories, its peace, happiness, and prosperity, have been bartered away to gratify the scruples, the follies, and resentments of the then President against England, and his unjustifiable fondness for France. Sir, that treaty was a good one. It was so declared by the Ministers who negotiated it, one of whom

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is now the Minister of State, the other Attorney General.

[Here Mr. SHEPHERD read a paragraph of a letter from Messrs. Monroe and Pinkney to the then Secretary of State.]

Such testimony ought not to be overlooked or rejected. It is too high, too authentic. And yet it is said, notwithstanding the opinion of those gentlemen, the treaty was so bad that it was not necessary to lay it before the constituted authority to say whether it should be ratified or not.

One further remark, in answer to the gentleman from Virginia, and I have done. He declares that "the enemy have more patriotism than the minority here, for that he presents an unanimous front against us, while we are divided; although his cause is bad and ours good." It is true, that the enemy is united and we divided; but I cannot believe it follows that we are less patriotic, or that our cause is better from these premises. Whatever the fact may be, it would really seem, that union of a people in a cause was some evidence that it was just, and division that it was unjust. In the last war, the state of the public mind was very different. England then was divided; we were united. They then invaded; we defended. We now invade and they defend. And if any conclusions are to be formed from the facts, they are, that we are now wrong, as we were right in the last war; and that a common sense of justice has produced the union of the one and division of the other. Yes, sir, we are wrong; we have sinned, greatly sinned; we have shed innocent blood, and we may look for calamity and disaster; for the judgments of Heaven to light upon us, unless we abandon the impious career, and seek by repentance the pardon of our offences.

Mr. SHERWOOD spoke as follows: Mr. Chairman, after the very able discussion which the bill upon your table has received from both sides of the House—after the minute financial examination of the subject, the acute analytical investigation of the causes and effects of the war, and after the energy and eloquence of my honorable friends, it may seem presumption in one of my humble powers to claim the attention of the Committee. But, sir, I will endeavor to tranquillize any rising spirit of impatience by an assurance of my disposition to be brief; I will promise the Committee I have no ambition to detain them long, and, were I ambitious, I have not the vanity to believe I could long excite the interest of the House.

I am opposed to the bill before us for causes intrinsic, springing immediately from the bill itself—such as the immense amount contemplated to be borrowed—the enormity of the interest at which the money is to be obtained—the consequences to the Government in throwing itself into the hands of money lenders. And I am also opposed to it for causes extrinsic, arising from the ulterior application of the money to be obtained, and the consequences of such application.

The amount contemplated to be raised by this and the other bill is thirty millions of dollars—

five millions by Treasury notes and twenty-five millions by loan. We have already for the purposes of the war raised by Treasury notes and loans forty-four million five hundred thousand dollars. Pass this bill, and the faith of the Government is pledged for a new national debt of more than seventy millions of dollars. And let me ask gentlemen if they are prepared to mortgage the estates of their constituents for the payment of this enormous sum? But, sir, the time is unfavorable for obtaining this enormous loan. The stock you have already thrown into market; much of it is not, as many gentlemen suppose, in the hands of your moneyed institutions; it is yet in the hands of your speculators, your stock-jobbers, who, without sufficient capital themselves, have contrived by obtaining liberal bank discounts, pledging their stock as collateral security, to raise money to meet the instalments which have not as yet become due. If, however, the pressure upon the banks, which seems to have commenced at the East, and is rapidly travelling on to the South, should increase, so as to diminish discounts, the consequence will be, that a large amount of the stock will be thrown into the market and sales necessarily forced. Should this event occur, and nothing is more probable, stock will be below par; and at this eventful crisis, when your stock of about forty millions may be below par, or, to say the best of it, not above par, you are to inundate the market with thirty millions of additional stock. And let me conjure gentlemen, before they thus put at hazard the credit of this Government, to pause and reasonably satisfy themselves who will vest his capital in this stock. Are your banks to subscribe any more? No, sir, it is believed some have already gone so far as to endanger their credit. Are your real moneyed capitalists to engage in it? No, sir, they have been tempted and entreated by your speculators, but generally tempted and entreated in vain.

But gentlemen tell us our merchants, whose capitals are restricted from their accustomed employment, will, at the present moment, readily invest in this stock; in this calculation the friends to this bill, I believe, are also mistaken. Merchants have no inclination to withdraw from their accustomed pursuits, and it would be very difficult to persuade them into a course which would prevent their resuming such pursuits whenever the channels of commerce are unlocked. Besides, sir, the merchant and other capitalists fear, if you load your Government with such an immense national debt, that some of your Western States, who will never own a dollar of it, will find that shaking off all liability is the most convenient mode of redeeming their pledge.

Again, we are told that our stock will fall into the hands of foreign capitalists. We shall, by the magic operation of this loan, extract funds from the enemy to enable us to carry on the war; and the honorable gentleman from Virginia, who last spoke upon this subject, (Mr. JACKSON,) approved and enforced the argument. And is it come to this, that gentlemen on the other side of

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the House are willing to have the stock of our funds placed in the hands of British capitalists? And are they who were so sensitive to foreign influence—so tremulously fearful of the power of British gold, when a reincorporation of the United States Bank was applied for, now so changed? Are they who were then so much alarmed at the possession by British capitalists of four or five millions of bank stock, now ready to throw into the hands of the same capitalists five times that amount of your national loans?

But let me ask gentlemen what reason they have to suppose that British capital will be invested in our funds? The first inducement to such an investment would be a full conviction of the faith of our Government, and that idea presupposes the integrity of the Union. And is not the latter supposition in direct hostility to the opinions which the gentlemen on the other side of the House daily make and pronounce for the British nation? Do not gentlemen daily tell us, the British consider this Government "formed of a divided people"—that "we are ready for a dissolution?" And from such premises can gentlemen draw the inference, that our loan is to be taken by British capitalists?

The enormity of the interest to be paid for this loan forms in my mind another important objection to the bill. The last loan was negotiated at a fraction less than eight per cent., while the interest at the banks, and the legal interest of most of the States, is six; private credit, and the credit of individual States, obtain any amount at the same per cent.; and yet, sir, this Administration, under the management of its present rulers, pays eight. Sir, if the Administration would exert itself to establish the credit of the nation upon a basis as firm as private credit; if it would show the moneyed men a redeeming fund, instead of driving back from your Treasury fifteen millions of annual commercial revenue; if it cherished the just interests of the people, and soothed and allayed instead of exasperating their passions; if it gave to calculating men a rational expectation that the halcyon days of commercial revenue would again be restored to this country; if, in short, the "restrictive energies," the "anti-commercial policy" of your Administration had not exhausted the streams of public revenue, and, indeed, dried up its very source, we might either have had in the Treasury a supply for our wants, or commanded it upon terms advantageous and creditable.

The gentleman from Virginia, to whom I just alluded, tells us that in loaning money to the Government there is "no patriotism concerned;" the exaction beyond legal interest is "usury." Now, sir, I cannot distinguish between the evil consequences of throwing the pecuniary concerns of Government into the hands of "usurers" and those of a private individual. To the affairs of the latter we know it would be ruin. If these gentry once get the noose about your neck, they are as relentless as death; give them eight per cent., they will ask you nine; yield them this, they will rise to ten; and so, drawing you within

their grasp, the gripe of the usurer becomes the gripe of death. If the Administration must raise this enormous sum, why not apply to the people at once and collect it? Is it fearful the people will see and realize the ruinous tendency of its measures? Does it lack courage to show to each individual the proportion for which his estate is mortgaged? Does it suppose, by shuffling off the "hour of reckoning," its political life is "yet to be spared another day?" Does it suppose the people had rather pay twelve per cent., Government interest, (doubling the debt upon them in eight years,) than each now to pay his proportion, borrowing himself at six, if necessary? I believe, sir, the interest and feeling of my constituents, corresponding with my own, hostile to a national debt, which thus feeds and fattens the speculators and usurers of your country.

Again, sir, I am opposed to the influence which will be given to the money lenders, whom the honorable gentleman from Virginia (Mr. JACKSON) designates as lacking patriotism. A moneyed influence in a Republican Government should ever be rigidly and firmly resisted. Every member of every branch of our Government should be kept free from temptation; free from suspicion of such an influence, and clear from the contagious atmosphere generated in its use. In aristocratical and monarchical Governments, perhaps, the reverse of this general proposition is correct; and hence, perhaps, the maxim in such Governments "a national debt is a national blessing." But in this country I trust such a maxim will never insinuate itself into the progress of our affairs, so as to reach and blunt the feelings of the people. Who can deny, however, that with forty millions of public stock, recently issued to the avarice and cupidity of the nation, and with an almost equal amount contemplated now to be issued, that our fears should be excited?

I shall regret to see, but the period may not be far off, when speculators, stock-jobbers, and usurers, will swarm about your Capitol, thrusting themselves into the very sanctuary of your Legislature; infesting your lobbies and galleries; kindly devising and advising the laws for your enactment. So deeply interested for the public good, their precious time will be wholly devoted to aiding you in financial arrangements. The period may be at hand, sir, when you will see them moving about your palace, and the departments of your Cabinet, disinterestedly helping your Secretaries to select suitable persons for the offices of your Government. Let this moneyed influence get the advantage of your means, and your Government will be to it "as clay in the hands of the potter;" it will mould and fashion it to its own liking. Yes, sir, let these usurers get foothold, and they will prey upon your vitals; you will see them hovering about your Treasury like crows about a carcass, croaking for the last morsel.

My opposition to the bill, Mr. Chairman, for cause extrinsic, arises from the avowed application of the proceeds of the loan to the carrying on the war of conquest in which we are engaged; a war, the retrospect of which humbles the just

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pride which Americans did feel, and, I trust, may yet feel; a war, the prosecution of which reason and experience forbid; for, in prospect, our country's honor, and its fame, and hope, are cast in shade, and we can scarcely collect a ray of light to irradiate the picture.

In viewing the subject of this war, avowedly prosecuted for the conquest of Canada, we are naturally led to consider the causes of its declaration, the cause of its continuance, and the consequences flowing from its prosecution. As it is not my present purpose to detain the Committee with a minute or critical examination of either of these topics, I shall limit myself to very few remarks.

But, sir, we are to be checked at the threshold of this discussion. We are told by the majority that the causes and consequences of the war are useless discussions; that war is duly declared by the constituted authorities of the Government; and to hold and inculcate opinions against it is to oppose Government—it is moral treason. Gentlemen have not yet gone so far as to pronounce the expression of our opinions as actual treason, but have coined a new grade of offence, and christened us "moral traitors." Whether this newly devised offence of differing with the Administration in opinion, and assuming the hardihood to express such opinion on this floor, and in this nation, is to be chastised with the arm and the power of the Administration, is yet to be learned. The gentleman from Virginia (Mr. Jackson) has told us, however, when speaking of this new species of treason, that it must be put down; the Administration must adopt a new motto, put it down "peaceably if they can, forcibly if they must."

Now, sir, before this motto shall be engraved upon the tablets of the Administration, I conjure gentlemen to pause! The people of this country are freemen in sentiment, freemen in action; and, before you can abridge them of the liberty of forming and expressing their opinions upon the measures of the Administration, you must abridge their existence. Are gentlemen aware of the consequences of establishing this motto? The mere suggestion is calculated to lead the sturdy yeomanry of this country to the jealous point of daring, and the attempt to enforce it would bring upon us the horrors of civil war. Before gentlemen assent to this motto, let them trace the effects; let them count the costs. This Administration never could enforce a doctrine so absurd, so tyrannical. Sir, the single State of Connecticut, adopting the opinion of a just right, which they believed authorized and secured by the Constitution, could not be put down by the whole force of the Administration south of the Chesapeake. I regret, sir, that this subject, in itself delicate, could not have been handled with a delicacy better adapted to assuage and soften down the irritations of human nature; but it is an incident to the freedom of opinion and discussion to resist every encroachment upon either in the language of truth and firmness.

The majority find it very difficult to agree on

the just cause for the continuance of this war. The cause assigned for its declaration, the British Orders in Council inhibiting neutral commerce to certain French ports, ceased with their revocation. Whether these orders were really just cause of war as against Great Britain, or whether they were merely retaliatory of the French decrees, has been so often and so ably discussed, that I shall not attempt to consume the time of the House on that point. Suffice it to say they are now revoked. They were revoked within five days of the declaration of war. Nor will I take up the time of the House to inquire whether the Orders in Council were revoked in consequence of the repeal of the French decrees, or the coercive effects of our restrictive system; I will only observe that the British were pledged to revoke their restrictions whenever the French decrees were repealed, and due notice given of such repeal. They redeemed their pledge—they did revoke them. Neither will I examine whether it was the deception of the French Government practised upon our Administration, developed in their celebrated decree, bearing date 11th April, 1811, (now universally admitted to be fabricated,) that precipitately brought our Administration into this war.

The ostensible cause of war was these Orders in Council. So said the friends of the war in Congress when developing the views of the Administration; such, too, is the report of the committee who responded to the President's war Message; and so wrote the Secretary of State to our foreign Minister. This ostensible cause, then, is removed, and yet, the war is continued. On receipt of the revocation of the British Orders in Council, the British Provincial Governor proposed an armistice by land, and Admiral Warren seconded his views by a similar proposition by sea. Our Government rejected the propositions. If our Administration was disposed for peace, why not, after the revocation of her Orders in Council, and a proposition from the enemy for an armistice, why not accede to it? Could a moment more favorable have been expected? If the Administration had then consented to have stayed the arm of hostility and devastation, its friends would not have been driven to the necessity of hunting up other causes for the continuance of the war.

We are now told that impressment is the principal cause. The British contend for the right of searching neutral merchant vessels upon the highway of nations, and taking out such of their own citizens as they may find on board such vessels. This claim set up by the British frequently operates injuriously. From the similarity of habits and language of the two nations, mistakes are often made, and American sailors have been the victims of the enemy's policy; but whenever they have chosen to assert and manifest their citizenship, they have always been released. This claim of the British has uniformly been considered as one operating unjustly, and every Administration, from the days of Washington down to the present, have made it cause

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of complaint; none, however, have thought it cause of war. The principal irritations growing out of this subject have arisen from British subjects claiming American protections. Many worthless foreigners, renegade Irish, Scotch, and Englishmen, have not only attempted to palm themselves upon British officers as Americans, but have actually succeeded in the attempt. These impositions frequently detected, and, perhaps, attributable in some measure to the manner in which American protections are obtained, operate upon the real American sailor by alarming the jealousy, sharpening the scrutiny, and exciting the tyranny of the British officer. My object being to show that this complaint of impressment was not considered as a cause of war, I have merely adverted to the causes assigned contemporaneously with its declaration, and content myself with the inference which inevitably follows.

Gentlemen who feel the force of these recollections are driven to assign other causes; and, what is not astonishing, when ingenuity alone is to be exercised, they do not agree as to what was really the cause of the war. An honorable gentleman from Pennsylvania (Mr. INGERSOLL) thought it was cause of war that the British denied the doctrine "that free ships make free goods." Another gentleman (Mr. JACKSON) of the majority, showed that the British were correct, and if you allow the neutral flag to protect the goods that sailed under it, it might lead to the most abominable fraud.

Another cause urged by gentlemen is, that the enemy instigated the Indians to hostility against us. One gentleman, (Mr. I.) said it was a "momentous case of war," and he was surprised the Administration did not think of it when war was declared; "there never was so fine an opportunity for making a declaration of war." If this gentleman is right, then it is cause of just regret to the majority that they were, at that period, deprived of talents so astute and brilliant as his, for they undoubtedly would have had a declaration of war, surpassing in its effects the most finished proclamation of the present era.

A recurrence to the history of the session of Congress, in 1812, will convince this gentleman that he is mistaken as to the fact of the existence of this cause of war. The Administration were certainly not unmindful of the great advantage such a cause would have had in enlisting the feelings of the community in a vigorous prosecution of the then determined hostility; a committee of this House was therefore raised to inquire specially into the subject; and, although a labored report was prepared and printed, it was thought most advisable to suffer it to rest undisturbed upon the shelf—not unlike another late voluminous report. The barbarity of the circumstances is more apparent than their authenticity is satisfactory; and opposed to this doubtful presumptive testimony, was the positive disavowal of the British Minister, Mr. Foster, of the connexion of his Government with the Indian aggressions.

The Orders in Council have ceased. Impressment is a subject of complaint, not a cause of

war. The instigation of the Indian hostility lacks authenticity. Our war is therefore continued without a sufficient cause.

If our cause was just, and the feelings of the people were united to avenge it, this Administration ought not to be intrusted with conducting it. The history of the progress of the war has fixed upon the Administration a character too prominent to be concealed, too just to be denied; its principal characteristics are impotency of management, and profligacy of expense.

The minority, who resisted the declaration of war, in a course of manly prediction and almost miraculous prophecy, pointed out its evils. They warned you, as with a voice of wisdom, against the delusive scheme of conquering the Canadas; they foretold to you many of the disasters which have since been realized; they warned you of the danger of your seaboard; and they conjured you to avoid the desolation of your Western frontier: these warnings were regarded not, but they cannot be forgotten, and the truth of them will add poignancy to their recollection.

A recurrence to the events of the war is but little more than a review of our disgraces. Whether we commence with the "planting of our standard" in the enemy's province by Hull, or terminate with the progress of our last Northern campaign, the result is the same. Our armies wasted, our means dissipated, and a fair portion of our country laid in ruin. Though brave officers and good soldiers have labored to support the sinking honor of the country, their efforts have been counterbalanced by the weakness and the folly of the plans and the counter-plans of the principal managers. The report of the Secretary of War, on the causes of the failure of our arms, develops most strikingly the weakness, if not the wickedness, of those who conducted the last campaign. An examination of this correspondence will satisfy any gentleman that, instead of your armies being directed by the united energies of your officers, petty jealousies, malignant hatred, and much mysterious cunning, have distracted and defeated their operations; instead of seeking honorable fame, achieved by great and glorious deeds, they seem to have sought that comparative fame, which elevates itself by the destruction of others.

I will not detain the Committee to show the various changes of the plan of the Northern campaign; how one day Kingston was to be taken by a "direct attack" of the army, crossing from Sackett's Harbor, and the next day by an "indirect attack" by the way of Montreal; nor will I point to the cordiality with which the principal Generals so manifestly "harmonized" in the great objects of the campaign; nor shall I attempt to describe with what deep skill the prime juggler behind the scene moves the puppets for their destruction or his eventual fame.

When the war was declared, Canada was to be taken in ten weeks. All the power that Administration have wished, or could derive under the Government, has been at its disposal. Armies as large as the majority chose to vote them have



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been granted; money, as much as has been asked for, has been obtained; in short, Administration has commanded the Constitutional resources of the country, and what has it accomplished? We now have actual possession of Malden, and imaginary possession of the wilderness opposite Detroit, while the enemy have possession of the important peninsula connecting Lakes Erie and Ontario, and of the desolated remains of the once flourishing villages along the Niagara. Such is the progress your Administration have made towards the conquest of Canada—so they have fulfilled their engagements of glorious warfare.

But, sir, the profligacy of our present expense is equalled only by the diminution of the radical resources of the country. The estimate for the current year, and a reasonable allowance for claims of indemnity, added to a loss of commercial revenue, will probably fall little short of one hundred millions of dollars; while a permanent irreparable loss to the wealth of your country, arises from the diversion of foreign commerce, from a change of the industrious habits of the country, and from a want of the necessary labor for agricultural pursuits.

Two years have nearly expired since we have been engaged in this contest, which now is generally called a war for "sailors' rights"—a war to protect foreigners against their lawful sovereign on the high seas. Were it to protect the naturalized citizen on our own soil, who mingles and mixes in the homebred duties of social life, every feeling of my heart would be engaged; but for the protection of such "sailors' rights," I would not sacrifice one native American. And yet, sir, for these "sailors' rights," have you expended millions and millions of your treasure, loaded your citizens with taxes, and sacrificed the peace and happiness of every class in society. In this war for "sailors' rights," have your villages been pillaged, innocence violated, the peaceful dwellings of your citizens razed, and a whole country desolated? Yes, sir, armies have been swept away, many valuable lives have been lost—not so many valuable lives, for into your Army, generally, you have been unable to draw men either valuable to themselves, or valuable to the community.

From all these considerations, I cannot give my vote for this enormous loan. If, instead of purposes of conquest, the majority would devise a system for defending our own soil, I would yield them every aid, however badly I think of the original cause of war, of its continuance, or the managers of it.

I know my constituents are unwilling to barter their lives and their fortunes for the conquest of Canada, and, with me, would withhold every dollar which is intended for that object. Yes, sir, I would bar the main spring of your political clock, and let your journeymen politicians wind and wind in vain; no longer should be rung, in melancholy chime, the dreadful notes of desolation and distress from Georgia to Maine, from Champlain to Orleans.

When Mr. SHERWOOD had concluded—

Mr. GRUNDY addressed the Chair as follows:

Mr. Chairman, I had determined to remain silent during this discussion, and nothing but the extraordinary course pursued by gentlemen on the other side of the House could have induced me to relinquish that determination. Not satisfied with replying to the arguments urged by the majority at the present, they have assailed sentiments advanced by me at the last session; nor has this been done by one or two only, but by all who have addressed you; yes, sir, from the greatest to the least—from the venerable gentleman from Massachusetts, (Mr. PICKERING,) down to the gentlemen from North Carolina, (Messrs. CULPEPER and PEARSON,) who spoke a short time since—this has constituted the burden of their song. But for this, I should have been saved the trouble of speaking, and you the fatigue of hearing me.

Before I proceed to an examination of their arguments, the Committee will indulge me a few moments in taking a view of the subjects under consideration, different from any yet presented.

The Committee of Ways and Means have recommended to the House the adoption of a bill providing for a loan of twenty-five millions of dollars; the majority seem disposed to grant the supply asked for, the minority say it ought not to be granted—the question then is, which party is right? This can best be decided by an examination into the effects which will result from the adoption of the one course or the other. If more public good will result from the passage of the bill than from its rejection, the minority are acting erroneously. If, on the other hand, more evil will arise from its passage than from its rejection, the minority are acting correctly. You are engaged, Mr. Chairman, in a war with a powerful nation, on whose magnanimity and justice, judging from past experience, you can place no reliance. Should this bill pass, you will be prepared to arm the American people, and (should negotiation fail) meet your enemy in the field of battle; you will be prepared to assert your rights by the sword; you will exhibit your Government in the attitude which is most commanding, with the sword in the one hand, and the olive branch in the other, saying to the enemies of your country—Choose ye which to select. This is what the majority recommend. What is the course advocated by the minority? Disarm the American people, lay down your weapons of warfare, and do what? Ask pardon and forgiveness, for your transgressions, and accept of such terms as the enemy will accord to you. Is this a course worthy of a great and free people? Would you not by this demonstrate to the world that you are unworthy of that liberty which you enjoy? I confess, Mr. Chairman, I am almost tempted to doubt the sincerity of gentlemen's declarations, when I look at the low and degraded state to which the country would be reduced, should the opposition to this bill succeed. Further, sir, by the money contemplated to be raised under the authority of this bill, you can comply with all your engagements; you can pay the officers and soldiers al-

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ready in your service; you can support that navy of which all parties claim to be the patrons; you can pay the stipulated portion of former debts; in short, you will support the public credit;—reject it, and you cannot pay those at present in your employment; your navy must rot, your ability to obtain loans at any future period will be entirely annihilated; for once let it be ascertained that your punctuality is not to be depended on, rely on it, it will be idle to attempt to borrow. What, sir, has hitherto kept up the price of American stock at home and abroad? It has been that rigid regard to justice and good faith which has at all times characterized this Government. There are cases in which, probably, a government might fail punctually to comply with its engagements, and still the public credit might not be greatly affected. This would not, however, be one of those cases; because, in this instance, there would not only be a failure, but it would be unaccompanied with an honest exertion towards compliance. If, sir, the idea shall ever meet with public sanction, that one political party may incur a debt and their political opponents stand justified in refusing to discharge it, I pronounce that public credit is at an end, and this form of government will soon follow it. At the last session, a gentleman from New York (Mr. OAKLEY) furnished the best apology that could be made for his vote against the loan bill; but I have heard nothing of the kind from others; and even his apology was not very satisfactory. After the passage of that bill, he declared he would have voted for it, only he knew the majority were bound to pass it. He seemed justly to appreciate the importance of preserving the public faith. I thought the sentiment honorable to him; but I confess it did occur to me that he had adopted too easy a method to get clear of the trouble of doing his duty for himself. I did suppose that the better way was for each individual to do that which appeared right to himself, and not leave it to others to perform it for him. If, however, that gentleman can reconcile such conduct to his own conscience, it is not for me to censure or condemn. Who, Mr. Chairman, complain most of the defenceless state of the country? The very men who refuse to grant men and money for its defence. They say they need protection, and criminate the Government for the want of it; and at the same time use all their exertions to withhold from the Administration the means of protecting them.

Sir, members venerable for their age and experience, and more so for their pursuits in life, (for they profess to be the interpreters of the word of truth,) have said in debate that this is a wicked and irreligious war; and quote the expressions, "Thou shall not kill," &c., "Love thy neighbor as thyself," &c., in support of this charge. Do these gentlemen suppose that the book to which they refer, the authority of which all admit, is so little understood that misinterpretations of this kind can be practised successfully? Can it be believed, that that Deity, who, on many occasions, expressly commanded wars to be made; he who

led his favorite people to battle, and was a shield and defence to them in the hour of danger, should condemn all wars as unlawful? These gentlemen have forgotten that the British Government, which they consider as the great promoter of Christianity, is in the habit of shedding human blood by her wars. Yes, that moral and religious nation is more frequently engaged in war than any other; not defensive wars only, but offensive foreign wars. Examine her history, and you will find that within the last six hundred and ten years she has been at war two hundred and sixty-one years with a single nation; and during that period she has never been invaded, though at particular periods greatly threatened. The same gentlemen affect to value the blessings of civil liberty, as enjoyed by us, and to revere the Constitution of the United States; and can they not remember that these are the effects of the war of the Revolution? If all wars are forbidden by the law of God, the Revolution was an immoral and wicked thing, and those who achieved it are liable to censure, rather than entitled to that praise which all parties unite in bestowing on them.

It is also alleged that it is unjust to invade Canada. In the Revolutionary war it was invaded; and I defy those who pretend they are the disciples of Washington, to show any difference in principle between the propriety of an invasion then, and an invasion now. Yet at that period the illustrious man who commanded the American armies, and all those who were united with him in rescuing this country from the unfeeling grasp of a foreign tyrant, decided that the conquest of the Canadas was just and expedient.

I come now, Mr. Chairman, to speak on that point which produced the necessity of my addressing you: *Moral treason*—that sentiment expressed by me at a former session, which has excited so much sensibility, and given rise to so much censure. To whom have I ascribed it? Not to those who exercise their Constitutional privilege of opposing measures before they are adopted by the constituted authorities; not to those who shall, even after their adoption, deliver their sentiments freely against them; not to those who shall fail to join the Army themselves, or decline to loan their money; but to those who shall exert their influence to prevent others from enlisting, and shall combine together for the purpose of preventing loans from being filled. Men of the latter description, I did say, were, in my judgment, guilty of treason in a moral point of view. I say so still. It is an opinion which reflection has doubly confirmed; it is an opinion I shall never retract. So far from it, would to God it were written in letters of sunshine in the very centre of Heaven, that all the world might read. It is opposing the laws after they are constitutionally enacted; it is attempting to prevent the operation of the laws by other means than a repeal of them; and the latter is the only way in which I believe the effect of any law can with propriety be defeated.

Gentlemen who are so very sensitive on this

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subject had better look back a few years, and see how they thought and acted when in power, and perhaps a review of this kind will show them the true difference between us on this point. We say such conduct as I have described is unjustifiable. We advise, we admonish, we entreat those who practise it, to desist. Not so in 1798. The party then in power acted; they passed their Sedition law; they recorded their disapprobation of such conduct; and a republican member of Congress, from Vermont, suffered the penalties imposed. And, sir, recollect, this took place in what is called the *quasi war* with France, and not at a period when dangers assailed the nation on every side, as at present.

Let us recur to that law, and see whether its provisions would not punish those guilty of such conduct as I have censured:

An Act in addition to the act, entitled "An act for the punishment of certain crimes against the United States."

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That if any person shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the Government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the Government of the United States, from undertaking, performing, or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt, shall have the proposed effect or not, he or they shall be deemed guilty of high misdemeanor, and, on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months, nor exceeding five years; and further, at the discretion of the court, may be holden to find sureties for his good behaviour in such sum, and for such time, as the said court may direct.

SEC. 2. *And be it further enacted,* That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into disrepute; or to excite against them, or either, or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act; or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people,

or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

Now, sir, examine the extent of the provisions I have read. It is declared, that if any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the General Government, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, &c. Suppose the first branch of the sentence should be construed to extend to cases only where open force was intended to be applied, yet the terms "to combine or conspire together, with intent to impede the operation of any law of the United States," would clearly embrace those who combine and conspire together to prevent the filling of the loans and the ranks of the Army. Observe, Mr. Chairman, in the second section, how careful those who *now* talk so much about the liberty of speech and of the press were to guard themselves from the attacks of their opponents. "To defame either House of Congress, or the President of the United States, with intent to bring them into contempt or disrepute," was made punishable. And this bill passed the Senate of the United States, containing only the two sections I have read, and without any provision that the truth might be given in evidence on the trial. Thus far I speak of the facts as the public records prove them to be. I examined them on yesterday. And I am informed by a venerable gentleman, then and now a member of this House, that, with great difficulty, a predecessor of mine (Mr. Claiborne) procured, in the House of Representatives, the insertion of the third section, which declares that the truth may be given in evidence on the trial. Without this provision, what would have been the condition of men prosecuted under that law? The principles of the common law would have been applied, and every gentleman of the law will admit, that in cases of libels, the truth could not be given in evidence in justification of the defendant. Here, then, according to the act of the Senate, the President and each House of Congress had effectually secured their conduct from investigation; and to the citizen who should arraign them before the bar of public opinion, truth afforded no protection. Have any attempts of this kind been made since the commencement of the Republican Administration? No, sir. And have not the President and both Houses of Congress been slandered, and basely slandered? The present majority wish not to hide their conduct from public view and scrutiny. All that is wished for is, that those who are opposed to them should so act as not to injure the public service. Those whose object is the public good need not the aid of sedition laws. They only need them whose actions cannot bear the light of truth. We wish to effect our object, not by fines and imprisonments, as our predecessors did, but by making it disreputable in the public estimation to injure the country by indirect means.

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So fully, Mr. Chairman, am I satisfied of the correctness of the sentiments I have at all times entertained on this subject, that should it be my lot to be placed in a minority, however freely I might express my opinions of measures, no impediment should ever be thrown by me in the way of the execution, or operations of the laws, when once enacted except so far as an attempt to repeal them might have that tendency.

A gentleman from New York (Mr. GROSVENOR) had certainly not well considered the application of a sentiment expressed by him, or sure I am he would not have relied on it as a justification of the conduct of the minority in this House. He says, that opposition is useful and beneficial, and to prove this, he declares that had it not been for the opposition members of the British Parliament, the American Revolution would never have been effected. Grant it. We are in the habit of admiring and praising those who opposed the British Ministry during that struggle, because much good has resulted to the American people from their opposition. But if the interest of Great Britain required that she should retain the then colonies as a part of her dominions, have the labors of these men benefited their own country—have the people of Great Britain any cause to thank them for their exertions? Suppose the Opposition here should so far prevail as to compel the Administration to yield the great points in controversy between the two nations and surrender essential American rights—the same language we now use in relation to the Opposition in England, during our struggle for independence, might be applied to the Opposition in this country by Englishmen; but the American people could feel under no obligations to them.

Another gentleman from New York, (Mr. SHIPPERD) said, that we, the majority, are prejudiced against the religion of England. Sir, this is the unkindest cut of all. I had hoped that the vanity of the minority would have been satisfied in claiming for their party all the talents and political integrity of the country; but, not contented with depriving us of all respectability and comfort in this life, they even attempt to deprive us of every hope for happiness in the world to come. This charge we repel with indignation. If we do not make as many religious professions, it does not therefore follow that we possess less true religion than our political opponents. Sir, what does the gentleman mean by the religion of England? I presume he means what is generally understood to be the Protestant, in contradiction to the Catholic faith. If so, how small a portion of the American people profess the latter? They are few in number and respectable, considering their number; but, they neither have the ability nor disposition to excite prejudices against the religion of England. The great body of the people composing the present political majority, profess the religion of that country from which they descended, and cannot therefore on that account feel any prejudices against Great Britain.

We not only feel no prejudices against that  
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nation, but we feel our partialities for it. It is the land of our fathers, and therefore we are partial to it; the English language is our language, and therefore we are partial to it; all our institutions, except those of a political kind, derive their origin from that country, and therefore we are partial to it; we are taught knowledge from English sources, and therefore we are partial to it. I confess, Mr. Chairman, I am under the influence of these partialities. But shall I, on that account, forget my own country? Shall I be actuated by such feelings so far as to permit that nation to trample under foot the sovereignty of the United States? No, sir, I love my country better than I love England.

The same gentleman has said, that that Government has done more to christianize the world than all other nations. Sir, look to India, and the crimsoned flood of the sacred Ganges will tell you what that Government has done to christianize the world. View the idol of Juggernaut, and the mass of human misery and death which is produced by an idolatrous superstition, which is not only permitted, but promoted, by this christianizing Government, for the express purpose of raising a revenue for the British Crown. Sir, a strong British guard is there kept to encourage superstition, and exact a tax from the deluded pilgrims who resort to that place to worship. That there are many associations of pious men in England, who have done much to benefit mankind, is readily admitted; but their acts are not the acts of the Government; nor has the Government at all times approved of them, else how did it happen that the missionaries Gordon, Morrison, and Lee, were not permitted to depart for India and China in British vessels, but were compelled to come to America to obtain passage in an American ship, in the execution of their mission? Sir, these things I should not have brought to the view of the Committee, had not the strange course in debate taken by gentlemen on the other side of the House rendered it necessary.

Mr. Chairman—it is insinuated that the Indian war has been produced by the conduct of the Government of the United States. I ask gentlemen to show in what manner this has been done? It cannot be shown; so far from it, every exertion has been used to ameliorate the condition of that unfortunate people, and save them from that destruction which a war with the United States must inevitably bring upon them. You have sent your agents amongst them to teach them the arts of civilization, and, while your Government was thus engaged, the agents and traders of Great Britain were employed in preventing the progress of your labors. You sent your teachers, your bibles, and your testaments; they sent their rum, their trinkets, and their baubles.

Sir, during the last Indian war, and after the treaty of peace between the United States and Great Britain, the agents of that Government furnished the Indians with supplies to carry on their savage warfare, and ever since they have been busied in inculcating on their minds sentiments

hostile to the people of the United States. They have been told, as the public documents abundantly prove, to be prepared to strike the blow, whenever a rupture should take place between Great Britain and the United States; and it was owing to their being overcharged with sentiments of this kind, that induced them to commence hostilities in the Indiana Territory, before the declaration of war.

Mr. Chairman, look at that Indian war which is now raging in all its fury in the Southwest, and account for its origin? What cause of complaint has the Creek Nation ever had against the United States? None is pretended; it originated in the manner pointed out to me by the captive chief of that nation, who is now confined in the town in which I live. When asked, why his people had made war on the United States, he replied: "A letter came from the North; a council of the chiefs was held; we were promised arms and everything else necessary, if we could make war on the United States; we were told that the British would assist us in recovering our lands and driving the people of the United States from them, and that the ancient order of things should be restored—upon these conditions war was decided on." This, sir, is the way in which Great Britain christianizes the world.

A gentleman from Connecticut (Mr. PITKIN) says, that the Administration has abandoned the ground first taken with regard to impressment, and an arrangement on that subject is all that is now expected, and not a formal relinquishment of the right on the part of Great Britain. Sir, a security against impressment is all that was ever asked; and to us it is altogether immaterial, whether it be by a renunciation of the right, or an arrangement by which the officers of the British navy shall be prohibited from entering American vessels and taking from them American citizens. And it only requires that this point should be fairly stated, to prove that the enemy can settle it, whenever he is disposed to act justly towards this nation. It has been alleged by Great Britain, that her seafaring subjects, whose services she needs, escape from her employment and enter into the service of the United States; and to reclaim them, she has been compelled to permit her officers to enter American vessels and seize them. By the passage of a bill, commonly called the seamen's bill, this Government has declared that this pretext for impressment shall no longer exist, for British seamen shall not be engaged in the American service, and adequate provisions are made to effectuate the object professed. If then Great Britain is disposed for peace, this subject can form no obstacle.

It is said, that England and her allies, since the late great events in Europe are omnipotent. On this point, gentlemen may calculate too strongly; it is one on which no man in this country can speak with confidence; but it seems to me not improbable that the influence of England on the Continent of Europe has already or will soon cease. Hitherto the power of France, which threatened to annihilate the Northern Powers,

united them with England in opposing the Emperor of the French: But now, when France is reduced almost, if not entirely to its ancient limits, and ceases to be a terror to them, is there not every reason to believe, that having humbled the tyrant of the land, they will turn their attention to the tyrant of the ocean? Sir, I cannot believe that Alexander the Mediator, or Deliverer, if you please, will consent to surrender to Great Britain those maritime rights for which his Government has at all times contended. True, sir, while Russia was struggling for her existence, while a powerful invasion threatened the capital of her Empire, her maritime claims were permitted to rest, but they were never abandoned; and let it be recollected, that her maritime claims at all times have equalled, if not exceeded those of the United States.

Another gentleman from New York (Mr. SHERWOOD) has told you that the subject of impressment was never considered as a cause of war. This has often been said before and as often refuted—need I refer you to the uniform sentiment of this Government for upwards of twenty years, and under every Administration?

Sir, all parties when in power have concurred in declaring it to be an evil not to be borne. It is somewhat remarkable, that however great the differences of opinion on other political subjects, in this all concurred. Mr. Washington, Mr. Pickering, Mr. Marshall, Mr. Adams, Mr. Stoddart, Mr. McHenry, Mr. Jefferson, Mr. Madison, Mr. Monroe, Mr. King, have each in their turn declared the impressment of our citizens as practised by Great Britain to be a sufficient cause of war—and if persisted in, it would result in an open rupture between the two countries; and although gentlemen now say, that this formed no inducement for the declaration of war, at the session when it was declared, yet examine the public documents of that period, and it will be discovered, that it was considered and treated as a prominent cause of war. Indulge me in reading a paragraph from the first report made by the Committee of Foreign Affairs at that session; the language of the Committee is: "Your committee are not, however, of that sect whose worship is at the shrine of a calculating avarice; and, while we are laying before you the just complaints of our merchants against the plunder of their ships and cargoes, we cannot refrain from presenting to the justice and humanity of our country the unhappy case of our impressed seamen. Although the groans of those victims of barbarity for the loss of (what should be dearer to Americans than life) their liberty; although the cries of their wives and children in the privation of protectors and parents have of late been drowned in louder clamors at the loss of property; yet is the practice of forcing our mariners into the British navy, in violation of the rights of our flag, carried on with unabated vigor and severity. If it be our duty to encourage the fair and legitimate commerce of this country by protecting the property of the merchants; then indeed, by as much as life and

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'liberty are more estimable than ships and goods, so much more impressive is the duty to shield the persons of our seamen, whose hard and honest services are employed, equally with those of the merchants, in advancing under the mantle of its laws the interests of this country.'

I could refer you to other documents of that session containing sentiments of the same kind, but this I deem sufficient to do away the effect of insinuations made by those who were not then members, and know but little on the subject. A gentleman from Virginia (Mr. SHEFFEY) has said, that the number of American seamen impressed by the British has been exaggerated. How is this proved? By bare assertion, and not otherwise. The official reports from the American Government, show the number to be 6,257: this statement I will rely on until its incorrectness is shown. But admit it to be incorrect, Lord Castlereagh, in the British Parliament, admitted that 1,600 American citizens had been impressed; this admission is surely good evidence against the British Government; and recollect these are admitted to be native American citizens, not British subjects naturalized in this country. Now let me ask the gentleman from Virginia, whether if 1,600 men were forcibly taken from his district by any foreign Power, he would not say it was sufficient cause of war, and would not condemn the Government that would refuse them protection? I am bound to believe he would; if so, is the principle changed when they are taken from any other quarter? Sir, so long as we are one nation, the same protection must be extended to every portion of the community.

One word more in reply to that gentleman, in behalf of my friend from Kentucky, (Mr. SHARP,) who is detained by sickness from his seat in this House. I understand the gentleman from Virginia as saying that his (Mr. SHARP'S) constituents were so uninformed on political subjects as not to have known of the existence of the Orders in Council until last year.

[Mr. SHEFFEY here explained, by saying that what he had said was in reference to a statement made by a member from Maryland at the last session, and not intending to make such charge himself.]

Mr. GRUNDY proceeded. It is then a matter of very little consequence; I will, however suggest to the gentleman from Virginia, that he perhaps should be the last member on the floor, who should provoke an inquiry into the comparative degree of intelligence and information which is to be found in different districts. I well knew that my friend's district would have nothing to fear from such a comparison with the district represented by the gentleman from Virginia.

We are told, that before the declaration of war the minority warned the majority of the consequences that were to follow, and predicted all the unfortunate events which have taken place; true, sir, they did, and much more; they told us that Boston, New York, Philadelphia, Baltimore, Norfolk, and Charleston, would immediately be reduced to ashes, and the whole seaboard laid waste.

What, sir, has been done? Havre de Grace, Frenchtown, and a few other inconsiderable villages have been destroyed; what else? "Let the blushing streets of Hampton answer!" Sir, the enemy has made no solid impression on the country; they have carried on a kind of warfare calculated to irritate and unite the American people in the prosecution of the war.

A gentleman from New York asserted that we are waging this war to protect a set of renegade Irishmen. Sir, he is mistaken. It is an American war, carried on to secure American rights, and I have the fullest confidence that the nation will support the majority in every measure calculated to give vigor to it, until it can be brought to a just and honorable termination.

Mr. GASTON, of North Carolina, addressed the House as follows:

Mr. Chairman, I fear I am about to engage in a very injudicious attempt—I fear that the patience of the Committee is exhausted, and that it would be idle to hope for their attention. It was originally my wish to claim their notice at an early stage of the debate; but I found this wish was not to be effected but by a competition for the floor, and I thought such a competition not justified by the nature of the remarks which I had to submit. Under these impressions I had made up my mind to wait until some favorable unoccupied interval should be presented; and I should not now have presumed to anticipate other gentlemen who seem disposed to address you, but for some extraordinary observations which have just been uttered, and which in my opinion demand immediate animadversion.

The gentleman from Tennessee, who has this moment resumed his seat, (Mr. GRUNDY,) seems a little sore that his doctrine of Moral Treason, which he promulgated at the last session, should have been so vehemently oppugned by the persons for whose benefit he had compiled it. I am not of the number of those, Mr. Chairman, who have deemed this doctrine worthy of examination. As originally understood, it was so preposterous and so repugnant to the principles of our Constitution, that every intelligent freeman found its refutation in the consciousness of his own liberty. By subsequent explanations and definitions it has been so attenuated and subtilized, that what was never very distinct, now almost eludes perception. According to the last attempt at exposition, if it have any meaning, it would seem to embrace systematic efforts to persuade capitalists not to lend money, and the unthinking youth not to enlist as soldiers to carry on the war against Canada. His denunciations of such a system—of the existence of which I know nothing; and which, if it exist, is innocent or criminal according to the motives from which it springs—pass by me altogether unheeded. But his unfounded imputations upon some of the best men and truest patriots of the country, and his attempt to support his doctrine by their example, ought to be repelled, and a very short notice will suffice for that purpose.

The gentleman has referred to the act of 14th



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July, 1798, the much misrepresented and abused Sedition law. It is difficult for me to express my astonishment at the construction which he affixes to the first section of this act. Need we wonder at any error, however gross, at any prejudice, however irrational, prevailing in respect to party measures and party opinions, when we find a professional gentleman assigning to a law a meaning which, but for what we have heard, would have been pronounced impossible on the part of any man of ordinary good sense? The first section of this law declares, that if any persons shall conspire together with intent to oppose any measures of the Government of the United States, and in pursuance of such intent shall counsel, or attempt to procure insurrections, riots, &c., they shall be deemed guilty of a misdemeanor, punishable by fine and imprisonment. Can it be necessary to ask what was meant in this law by the expression "with intent to oppose any measures of the Government?" To oppose, in its plain original sense, necessarily implies physical resistance—the exercise of force. It is metaphorically used, indeed, to signify dissuasion, as the word to combat is applied to denote a controversy in argument; and a law prohibiting single combats might as well be interpreted to forbid controversies in discourse, as a law prohibiting opposition to the measures of Government construed to interdict the expression of honest opinions that may retard their operations. But the act is still more explicit. To constitute crime it requires not only that the persons should combine "with intent to oppose the measures of Government," but that in pursuance of such intent they should proceed to "counsel or attempt to procure insurrections, riots," &c. The design of the act is unequivocal—it is to check and punish incipient treason before it has manifested itself in actual war against the nation. It was altogether unnecessary, if there had been any common law applicable in the courts of the United States; for in every Government under Heaven the acts which it describes are made punishable. A doubt whether the common law had a federal existence alone occasioned the passing of the law. Yet we are gravely asked, if, in the year 1798, men had combined together to dissuade persons from lending money to the Government, or from enlisting in the army, whether they could not have been punished under this law? No, sir—no, sir. There was not a prosecuting officer in the United States so ignorant of his duty as to dare to bring forward an indictment upon such a pretext.

To the next section of this abused act the gentleman has given an interpretation as destitute of plausibility even as his exposition of the first section. To find a warrant for his doctrine of moral treason, or to lessen its odium by casting reproach on others, the gentleman has charged that this section subjected to indictment and punishment the publication of scandalous and malicious writings against the Government, although they might be true—and that had it not been for the third section of the act, which his predecessor moved in the House of Representatives after the

bill had passed the Senate, the truth would have afforded no defence on an indictment for a libel against the Government. Sir, this position is utterly untenable—no part of it is true. The gentleman must be presumed to know, and ought to recollect, that when an offence is created by statute, every word of the description of the offence is material and essential. What are the words describing the offence? "If any person shall write, print, or publish, any false, scandalous, and malicious writing against the Government, &c." It is a necessary part of the offence that the writing should be false. If it be not false, then the crime has not been committed, the law has not been broken, and punishment cannot be inflicted. Why, then, I may be asked, was the third section, moved by the gentleman's predecessor, inserted in the law? The answer is, to avoid all cavil, all real or pretended doubt, all foundation for the charge that would have been made had it been rejected. It might have been pretended that on an indictment for libel at common law the truth or falsehood of the charge was not a matter of inquiry before the jury, so, on an indictment for libel under this act, notwithstanding its plain words, the falsehood of the publication was not material to constitute the offence; and had the proposed amendment been rejected, from the specimen we have this day had of the course of legal thinking of one of the bar of Tennessee, there is a moral certainty that the law would have been there stigmatized as designed to prohibit the publication of truth. To adopt the amendment removed all pretext for such misrepresentation. It was accordingly incorporated into the law; and to show that it was not introductory of any new principle, it was expressed as declaratory to the preceding section, "And be it enacted and declared, that it shall be lawful for the defendant, on trial, to give in evidence, in his defence, the truth of the matter charged as a libel." No, sir, the idea of punishing truth when published against the officers of the Government was reserved until more recent times—until the abused Sedition law had expired, and the champions of a free press were safely fixed in power. Surely the gentleman has not been so inattentive to the course of public proceedings as never to have heard of the case of Harry Crosswell. He, for an alleged libel on Mr. Jefferson, was indicted at common law, not under the horrible Sedition act; he was not permitted to prove the truth of his publication, and was thus convicted!

I have done, sir, with the gentleman from Tennessee, his moral treason, and his exposition of the Sedition law; and will endeavor to call your attention to subjects not altogether so foreign from the bill upon the table. The object of the bill is to authorize a loan to the Government of the United States. The precise proposition before you is to declare what sum shall be borrowed; "twenty-five millions of dollars." Enormous as is the addition which is thus proposed to be made to our debts, could it be shown to be necessary to accomplish any purpose demanded by the honor and welfare of the country, it assuredly would

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meet with no opposition from me. Is a loan wanted, or revenue required to enable the Government to pay off its just engagements? To give security and protection to any part of our territory, or any portion of our citizens? To afford to our gallant Navy (that precious relic of better days) such encouragement and extension as may enable it more effectually to vindicate our rights on the element where they have been assailed? My voice and assistance shall be cheerfully rendered to obtain them. Let the present proposition be withdrawn, and let it be moved to fill the blank with such sum as shall be adequate to supply any deficiency of the revenue wanted for these purposes, and I will second the motion. Nay, sir, should the present proposition be rejected, (for while it is pending a smaller sum cannot be moved,) and none of those who are most conversant with the state of our finances should come forward with a further proposition, I will myself undertake to move the sum which shall appear competent to effect all these objects. But, sir, this enormous sum is wanted not for these purposes; it is avowedly not necessary, except to carry on the scheme of invasion and conquest against the Canadas. To this scheme I have never been a friend; but to its prosecution now, I have invincible objections, founded on considerations of justice, humanity, and national policy. These objections I wish to explain and enforce, and thus avail myself of an opportunity of discussing some of the most interesting topics which grow out of the alarming state of the nation. I fear that all I can do will avail nothing; but, sir, representing a respectable portion of the American people, who are suffering with peculiar severity from the pressure of this unfortunate and mismanaged war; who, with me, believe no good is to grow out of it, and who apprehend, from its continuance, evils, compared with which all they have yet suffered are but trifles light as air; I should be unfaithful to them and myself if I did not interpose my best efforts to arrest the downhill career of ruin. In performing this duty, I shall certainly say the things I do think. Endeavoring to use such language only as is consistent with self-respect and decency towards those who differ from me in opinion, I mean freely to exercise the right which belongs to my station.

Right! did I say, sir? The expression is inaccurate; once indeed there did exist in this House the right of free discussion. It was once deemed a Constitutional privilege for every member to bring forward any proposition he deemed beneficial to the country, and support it by whatever arguments he could adduce; to offer amendments to the propositions of others, so as to render them, in his judgment, more unexceptionable; and to state the reasons of his dissent from any measure on which he was called to vote, and endeavor to impress his opinion on others. No doubt a vast portion of the good people of this Republic yet believe that such is the course of proceedings here. Little do they dream of the complicated machinery, by means of which every privilege,

except that of thinking, is made to depend on the pleasure of the courtesy, the whim of the majority. By certain interpolations into our practice, but which nowhere show their hideous first front in our written code, the system of suppressing the liberty of speech is brought to a degree of perfection that almost astonishes its authors. A gentleman wishes to bring forward an original proposition; he must first state it, and obtain permission from a majority of the House to let it be considered, before he can show the propriety of adopting it, or ask even for a decision upon it. Thus is annihilated the right of originating a proposition. But a proposition is originated by others, it is passed through the ordeal of consideration, and he is desirous of amending its defects, or of exposing its impropriety. This is, perhaps, deemed inconvenient by the majority. It may give them trouble, or bring forward a discussion which they do not wish the people to hear, or detain them too long from their dinners. A new species of legerdemain is resorted to. The previous question, utterly perverted from its original and legitimate use, is demanded; the demand is supported by a majority. In an instant all the proposed amendments disappear; every tongue is so fettered that it can utter but *ay* or *no*, and the proposition becomes a law without deliberation, without correction, and without debate. And this process is called legislation! And the Hall in which these goodly doings are transacted is sometimes termed the Temple of Liberty! Sir, this procedure must be corrected, or freedom is rejected from her citadel, and wounded in her very vitals. Inconveniences also result to the majority from the tyrannical exercise of power, sufficient perhaps to counterbalance all the benefits which can be derived from it. Gentlemen often complain that the minority do not pursue the practice which is adopted by minorities elsewhere. In England, say they, the Opposition address the House and the nation only on the great fundamental questions involving disputed principles, and do not hang on the skirts of every bill, fighting the Ministry, through all the details of their measures. Why is not the same course pursued here? The answer is obvious. Here the minority are not allowed to bring forward these great fundamental questions; they have no opportunity of showing their views, except such as may be casually afforded by some measure of the majority, on which they are good natured enough to allow debate. Unless they avail themselves of such a bill in every stage of it, as a peg on which to hang their observations, they must be utterly mute. Thus happens, too, that there is frequently not any discernable connexion between the topics discussed, and the subject supposed to be under debate. Perhaps the very course I am pursuing is an apt illustration of these facts. Some weeks since I submitted to the House a resolution which I thought eminently deserving of attention; a resolution "that pending our negotiation with Great Britain, it is inexpedient to prosecute a war of invasion and conquest of the Canadas." This resolution could

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not be discussed, for the House would not vouchsafe to it a consideration. But, as on the proposition now before you, debate is indulged; and has assumed a latitude that seems to permit everything connected with the war, I am willing to embrace the occasion to support my favorite proposition, to which a regular hearing has been refused. Grateful even for this opportunity, I acknowledge the courtesy which has been shown me by the majority; sorely as I feel the degradation of indirectly using as a favor what, as a freeman and the Representative of freemen, I ought openly to enjoy as a right.

It is very far from my design to enter into a particular inquiry as to the origin of this war, or as to its causes, whether technical or real. Such an inquiry would present a theme too important and too extensive to be taken up as collateral or subsidiary to some other investigation. At the present moment too it is not so essential to know how this war has been produced as it is to ascertain how it may be speedily and fairly brought to a close. So far only as a knowledge of the origin and causes of this war may be useful in producing this result, is it my purpose now to consider them.

An honorable gentleman from South Carolina (Mr. CALHOUN) claims for this war the character of defensive. He has properly remarked that a war defensive in its origin may be offensive in its operations, and, of consequence, that its character is not defined by the nature of these operations. But, sir, he is incorrect in supposing that its character is to be tested by the motive which occasioned its institution. War is offensive or defensive, simply as it is instituted by or against a nation. It is an appeal to force to decide controversies between sovereigns who admit of no other tribunal to determine their rights. There is a perfect analogy in this respect between nations at war and individuals litigating in a court of justice. He who commences the process is the actor. He who is summoned to the controversy has the defensive part; and it is, in this view, immediately immaterial whether the motive to litigation be found in the honest desire to claim what is due, or in the malignant wish to oppress and defraud. For the correctness of these ideas, I rely not on my own judgment. This ought not, without hesitation, to be opposed to that of the honorable gentleman who, independently of his personal claims to attention as Chairman of the Committee of Foreign Relations, must be presumed to be particularly conversant with all the questions connected with national law. Any person who has a curiosity to test these sentiments by the authority of jurists will find them explicitly recognised by *Burlamaqui*, vol. 2, part iv., chap. iii., sec. v.; and by *Vattel*, book iii., chap. iii., secs. xxxv., xxxvii.

Nor let it be deemed, sir, of no importance whether this war be called defensive or offensive. It is always of moment that things should be called by their right names. Many of the vices and most of the errors of men arise from the misapplication of terms. The reasoner who uses

words to convey a meaning variant from their received signification, will probably occasion error, however precise his definitions. In spite of definitions, the hearer appropriates to his expressions the sense which usage has associated, and a confusion of ideas fatal to truth is the unavoidable consequence. Many phrases, too, besides their primary meaning, convey a secondary sense of commendation or blame. By an artful use of those, the sophist is enabled to convert the honest prejudices of man, the guards of his security, into the instruments of his deception. The sagacious Mirabeau, than whom none better understood the arts which render the human understanding and passions subservient to the tyranny of fraud; he who so long "rode on the whirlwind, and directed the storm" of the most furious of revolutions, compressed the elements of his science into one sententious maxim, "words are things." But the distinction between offensive and defensive war has peculiar claims upon our recollection. So fatal is war to the best interests of the human family that a tremendous responsibility always rests upon the nation that commences it. This responsibility attaches through all its stages, and is awfully increased into certain guilt by the neglect of any fair opportunity to restore the relations of peace. Besides, the consideration that the war was offensive in its origin—that consideration which emphatically creates the obligation to terminate its horrors as speedily as justice will permit—will frequently be found to present the greatest obstacles to efforts at reconciliation.

The advocates for this war, vieing with each other in zeal for its justification and continuance, do not precisely agree in opinion, as to its causes, or as to the objects for which it is to be prosecuted. The gentleman from Pennsylvania who presides over your Judiciary Committee (Mr. INGERSOLL,) in an elaborate argument, seems desirous to prove (I am not certain which) either that the war is a consequence of the violation on the part of Great Britain of his favorite principle, "free ships make free goods," or is to result in the establishment of this principle. This comprehensive dogma the gentleman contends to be a part of the original unadulterated code of national law, consecrated by the Treaty of Utrecht, strenuously asserted by Britain herself, in her dispute with Spain, in the year 1737, recognised in her commercial treaty with France, in 1786, and vitally essential to our maritime interests. The gentleman from Virginia, whom I yesterday heard with much pleasure, (Mr. JACKSON,) dissents from his political friend, and declares that this maxim has never been asserted by our Government, under any Administration, as founded on the common law of nations. Although the gentleman from Virginia is, in this respect, unquestionably correct, yet it is not certain that the Chairman of the Judiciary Committee is altogether erroneous in attributing to the Administration an expectation of establishing by this war some such theory. That the neutral flag shall protect all from capture, is a very convenient

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doctrine for a nation frequently at war with an adversary of decidedly superior maritime strength. France, who, with occasional short intervals, has been for centuries at war with England, has very naturally wished to incorporate this doctrine into the law of nations. Her imperial master has adopted it as one of the elementary principles of his new maritime code, which he solemnly promulgated in his Decree of Berlin, of November, 1806, and in support of which he has used every violence and stratagem to array the nations of the world into one great maritime confederacy. At least, as early as the infamous Turreau's letter of June, 1809, the Executive of this country was perfectly apprized of the existence of such a confederacy, of the purposes which it was to uphold, and of the determination of France to bribe or compel our accession to it. The decree of the great protector of the confederacy, of the date of April, 1811, though probably not issued till May, 1812, announced in language sufficiently distinct that this claim has been so far complied with on our part as to exempt us from the further application of the penalties of disobedience. And our declaration of war against the sole recusant of this imperial theory was proclaimed by Napoleon to his Senate as a spirited and generous exertion to vindicate the new religion of the flag, which, like the superstition of the sanctuary, was to protect every fraud and shelter every crime. Extravagant, therefore, as the positions of the gentleman from Pennsylvania may be thought by the far greater part of this Committee, they may have more countenance from the Administration than is generally suspected, and, on this account, may deserve a rapid and transient examination. The assertion that, by the general law of nations, the character of the vessel gives a character to the goods is unequivocally denied. The actual reverse of the assertion is maintained by jurists generally with a harmony that forbids doubt.

Instead of detailing these opinions separately permit me to give the language of one who wished well to the gentleman's doctrine, who had often carefully explored the musty volumes of national law, and who was never apt to carry his admissions beyond the line which candor prescribed. Mr. Jefferson, in his letter to Genet, of 24th July, 1793, expresses himself thus: "I believe it cannot be doubted but that, by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize. It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port, and detained under pretence of having enemy's goods on board, have, in many instances, introduced another principle between them, that enemy bottoms shall make enemy goods, and that friendly bottoms shall make friendly goods—a principle much less embarrassing to commerce, and equal to all parties in point of gain or loss—but this is altogether the effect of a particular treaty, controlling in special cases the general principles of the law of nations, and therefore

'taking effect between such nations only as have agreed to control it.'" If the gentleman will examine the treaties to which he has adverted, the commercial treaty of Utrecht, between England and France, (which, by the by, the House of Commons refused to sanction,) and the subsequent commercial treaty of Mr. Pitt, in 1786, he will find the language on this head unequivocal. The arrangement is declared to be made with a view to prevent the embarrassments and dissensions that would arise without such an arrangement; or, in other words, from the application of the principles of the common law of nations. Nor is it at all strange that Britain, in a commercial treaty, from which she expected to derive immense advantages, should acquiesce in such an arrangement as between her and France. For it is obvious that no practical effect could result from it, except when one was at peace and the other at war. And such a state of things has so rarely happened that its occurrence might be numbered among political impossibilities.

The "no search" clamor in England of 1737, which the gentlemen have produced the Parliamentary debates to prove, had about as much to do with the belligerent right to capture enemy's property conveyed in neutral ships, as the "no search" cry made about thirty years afterwards in the case of John Wilkes and general warrants. The dispute of 1737, with Spain, grew out of a municipal claim asserted by that Government, and of the rigorous practice of their guarda costas to search British vessels hovering on the coasts of the Spanish colonies for prohibited articles designed to be smuggled into them. A claim said to be repugnant to the Treaty of Seville, and certainly very inconvenient to the illicit trade between Jamaica and the Spanish main; and a practice enforced with all that barbarity which usually characterizes the minions of custom-house and revenue tyrants. How far the establishment of the gentleman's project would be beneficial to this country is perhaps not so clear. At a time when we had no capital to afford employment to our navigation, it certainly would have been advantageous. But since that period has passed away, the most enlightened commercial men will tell you they wish for no such innovation. Its effect would be to give us, when neutrals, the benefit of being among the carriers of the commodities of the weaker maritime belligerent for freight. But the effect of the old principle is to give us the profit which results, not merely from the carriage, but the purchase and resales of these commodities, with almost a monopoly in either market.

The gentleman from Pennsylvania has assigned another cause for the war, in which he has obtained the concurrence of several of his friends—the instigation by the British Government of Indian wars. Although, sir, this theme of popular declamation has almost become trite—although the tomahawk and the scalping knife have been so often brandished with rhetorical ambidexterity, that their exhibition almost ceases to excite interest—yet, far be it from me to think or

speak lightly of the cruelties of savage warfare, or to conceal my utter abhorrence and detestation of them. But it is a different, very different question, whether the Canadians have armed the Indians to join in defence against a common invader, or had, previously to war, instigated them to hostilities against us. This last charge I do not believe—no evidence has been given to warrant it that I have yet heard. Over the affair of Tippecanoe, the commencement of Indian war, there hovers a mystery which ought to be dissipated, but which the Government will not dispel. I have sought, honestly sought, for information. Of official there is little or none. From private sources not likely, in this respect, to mislead, (for they are friendly to this war, and connected with the Western interest and feeling,) I learn that the great cause of Indian hostilities is to be found where experience and history would prompt us to look for it—is to be found in our cupidity for their lands, and their jealousy and distrust of our superior intelligence and force. Indian wars have been, until a few years back, almost uninterrupted in this country, both before and since the Revolution. They need no other instigators than are to be found in the inconsistent views, interests, claims, passions, and habits, of neighboring, yet distinct races of people. Sir, General Harrison's treaty of November, 1809, was the mine of the great Indian explosion. The Indians complained, I know not how justly, that in that treaty they were cheated of lands which the parties to it had no right to convey, and never meant to convey. There are gentlemen in this Legislature who know that Tecumseh immediately avowed his fixed purpose to vindicate by force and by union of the red men the rights of his tribe and the menaced independence of the whole race. And we all know (the fact is on record) that shortly after this treaty the British Governor General of Canada caused it to be officially communicated to the Government of the United States that the Indians were meditating hostile designs. Sir, the holy command, "thou shalt not bear false witness against thy neighbor," applies even to an enemy. I will not sanction this charge without evidence, nor against evidence, lest I violate this high injunction. I am not a disciple of that new moral school which would construe this divine prohibition, as the gentleman from Tennessee (Mr. GRUNDY) has expounded the commandment, "thou shalt not kill," as a "mere municipal regulation, applying solely to the Jews."

But this war, say its advocates, nearly one and all, was declared to protect our seamen against impressment—in fashionable phrase, for "sailors' rights." There is no doubt, sir, that the conflicting claims of the two countries on the subject of seamen, and the occasional abuse of the practice of search for British seamen on board of American merchantmen, had excited serious dissatisfaction in America—yet I hazard nothing by the assertion, that the question of seamen was not a cause of this war. I remember full well the characteristic special pleading of the gentleman from Tennessee on this subject, at the last ses-

sion, "that he really could not tell whether, if the Orders in Council had been repealed, we should have gone to war about seamen or not;" but, sir, I consider this as little more or less than adherence to a cautious form, as a protestando, by way of excluding a conclusion, or in the nature of the commencement of an answer to a bill in chancery, in which the defendant takes care to save to himself, now and at all times hereafter, all and all manner of benefit of exception to the errors that may be discovered in complainant's allegations. I am aware, too, of the very conspicuous blazon which is given to our sailors' wrongs in the President's war Message, and in the manifesto of the Committee of Foreign Relations. But this proves no more than that, when war was determined on, it was deemed advisable to make out as strong a case as possible, either to excite the sympathy of the world, or to rouse the indignation of our own citizens. The impressment of our seamen was grouped in the picture with the dearly bought Henry-plot, the at least dubious excitement of Indian hostilities, and the adjusted controversy about constructive blockades.

No, sir, the question of seamen was not a cause of this war. More than five years had passed over since an arrangement on this question, perfectly satisfactory to our Ministers, had been made with Great Britain, but it pleased not the President, and was rejected. Yet, during the whole period that afterwards elapsed, until the declaration of war, no second effort was made to adjust this cause of controversy. From December, 1807, with very short intervals, we waged against Britain a commercial war to coerce her into an observance of the rights we claimed at her hands. In every step of this system, whether embargo, non-intercourse, or non-importation, we avowed the grounds of this contest, and the condition on which it should terminate—the Orders in Council and their repeal. In April, 1809, the famous arrangement with Erskine was made, hailed by the well meaning as a second treaty of amity between the two countries; yet it contained nothing upon the question of seamen. In the President's communication to Congress, at the commencement of the war-session, November, 1811, enumerating, in no light tone, our controversies with Great Britain, and recommending preparations for war, the impressment of seamen was not remembered. The Secretary of State was earnestly engaged in a correspondence with the British Minister, Foster, at the seat of Government, until the declaration of war; nay, until after it had passed the House of Representatives. The object of the correspondence avowedly was, to bring our differences to an amicable close. But, in this correspondence, the question of impressment finds no place, except incidentally, not as a substantive topic of discussion. And, in the official communication from our Government to our Minister in Russia, stating the fact of a war declared against Great Britain, and alleging its justification, with a view to be communicated to the Russian Government, [Mr. Monroe's letter

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to J. Q. Adams, of July, 1812,] his justification is rested solely on the British Orders in Council. These, then, were emphatically and exclusively the cause of war. And had it not been for very many weighty considerations to be found in the state of the world, in the nature of the war in Europe, out of which proceeded this violation of neutral rights; in the conduct of the other mighty belligerent, her injuries, menaces, and intrigues, and in the peculiar condition of this country, actually growing into unexampled prosperity under the very state of things of which we complained; had it not been for these, and considerations like these, that, trumpet-tongued, warned us from the gulf into which we were about to plunge, the Orders in Council would have justified the resort to war. At all events, they formed what might be termed a sufficient technical cause of hostilities, much better than often figures, with conspicuous effect, in the manifestoes of Princes, under the specious names of justice, independence, and violated rights. But, sir, scarcely had the fatal step been taken, and the destinies of our nation risked on the fortune of the sword, when the obnoxious orders were revoked. the causes of war removed, and an honorable opportunity afforded of returning to the happy state of peace, commerce, and successful enterprise. How grateful must not the Executive of a country, whose policy was fundamentally pacific, how grateful must it not have been for this happy rescue from the horrors of war! How rejoiced that all had been effected, without a struggle, which it was the object to obtain by a bloody and precarious contest! Exulting to show, that when it unsheathed the sword, not passion but duty urged the reluctant deed, surely it hastened to return the unstained weapon to the scabbard, and extend the blessed olive branch of peace. Was it so? Sir, I never can think of the conduct of the Executive upon this occasion, without mingled feelings of surprise, regret, and anger. It cannot be accounted for but by an infatuation the most profound; an infatuation which is not yet dissipated, and which should fill every breast with apprehensions of that dreadful result, which, in the wisdom of Providence, is preceded by the "darkened counsels" of rulers.

But it is entirely a mistake, says the gentleman from Pennsylvania. The Orders in Council never were revoked; they were, indeed, withdrawn, but under a declaration asserting the right to re-enact them, should the violence of France, acquiesced in by America, renew the necessity for them. Will the Administration, sir, bring forward this excuse? Will they take this ground? No, sir, they cannot; they dare not. The President has told the nation, that the revocation of the orders was substantially satisfactory; in his peculiar phraseology: "The repeal of the Orders in Council was susceptible of explanations meeting the just views of this Government." How could he do otherwise after his proclamation of the 2d November, 1810, declaring the French edicts so revoked as to cease to be injurious to our rights; a proclamation founded solely on the

letter of the Duke de Cadore, of the 5th August, promising a revocation? Does the gentleman recollect the celebrated "*Bien entendu*," or proviso annexed to this letter: "Provided, that in consequence of this declaration, the British Government shall revoke their Orders in Council, and renounce their new principles of blockade, or America shall cause her rights to be respected, conformably to the act which you have communicated?" Does the gentleman remember the tortuous and labored efforts of Mr. Secretary Monroe to explain this proviso into a condition subsequent? To prove that it was designed only to exert the right of France to re-enact these decrees if Great Britain should persist in her orders, and we forbear from resisting them? Such a condition, subsequently annexed to a promised revocation of the French decrees, had no effect to impair its force; but the same, annexed in terms to the actual revocation of the British orders, renders it entirely null! No, sir, the Executive cannot take this ground; his direct friends will not take it for him. In the emphatic language of the eloquent Junius, this would indeed "resemble the termagant chastity of a prude, who prosecutes one lover for a rape, while she solicits the lewd embraces of another."

But can it be urged, say the gentlemen, that the revocation of the Orders in Council removed all our causes of complaint, and left us nothing more to demand of the enemy? No, sir, this is not urged. But it is contended that, as the revocation of the Orders in Council removed the cause of war, hostilities should instantly have been suspended, and a fair, manly effort made to settle by negotiation all unadjusted differences which had not caused the war. A question of much importance and delicacy remained to be settled in relation to the search for British seamen on board our merchant vessels, and the occasional impressment of Americans. Under every Administration of our country this question had excited great interest, and been attended with much difficulty. Of late, indeed, it had, in some degree, lost its interest, and partly because of the comparative rare occurrence of the practice. The restrictive anti-commercial system had expelled native and foreign seamen in vast numbers from our country, and almost removed the temptations to an exercise of what the British claimed as a maritime right. For five years before the war the dispute had in fact slept. Subjects more important pressed themselves on our notice, and while these pressed, that was postponed as a matter for future arrangement. But out of these new subjects a controversy arose which issued in war. It had scarcely been declared before the matter in controversy was arranged to our satisfaction by the voluntary act of the enemy. What was our plain, obvious course; the course of duty and of policy? Sheathe the sword until it is ascertained whether the dispute which had been laid aside for future arrangement, and which, in consequence of the adjustment of more pressing concerns, is now properly presented to notice, can or cannot be amicably settled. Even tyrants pro-



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nounce war the "*ultima ratio regum*," the last resort of Princes. Nothing can justify the exercise of force but the inability to obtain right by other means. You had not supposed your just claims on the subject of seamen unattainable by negotiation, or you would not have reserved them for years as a subject for negotiation; and if they be thus attainable, how will ye answer to God and the country for the blood and treasure uselessly, criminally expended? This mode of thinking, sir, seems to me very straight, and quite in accordance with the good old notions of practical morality. Besides, it is the incumbent duty of him who seeks justice, first to render it. Whatever our claims on Great Britain might have been in relation to seamen, she was not without her claims on us. At a time when her floating bulwarks were her sole safeguard against slavery, she could not view, without alarm and resentment, the warriors who should have manned those bulwarks, pursuing a more gainful occupation in American vessels. Our merchant ships were crowded with British seamen; most of them deserters from their ships of war, and all furnished with fraudulent protections to prove them American. To us they were not necessary; they ate the bread and bid down the wages of native seamen, whom it was our first duty to foster and encourage. To their own country they were necessary, essentially necessary. They were wanted for her defence in a moment of unprecedented peril. Ought we not, then, while seeking to protect our own seamen from forced British service, to have removed from her seamen the temptation to desert their country and to supplant ours at home? Why need I ask the question? Your seamen's bill, as it is called, enacted into a law since the war, is an acknowledgment that this ought to have been done. However deceptive some of its provisions may appear, its very principle is to restore to Great Britain her seamen, and save our own from her service. Unless you believed this principle right, it was the meanest of degradations, at such a time, to pass such a law; and if it was right, then you had justice to render, as well as to seek. Had you pursued this plain path of right; had you suspended hostilities, you would have consulted also the true policy of your country. An unconditional proposition for an armistice, upon the revocation of the orders, or an unconditional acceptance of the offer for an armistice, would have passed for magnanimity. The disgraces which have since foully distained our military character were not then anticipated. The world would have believed, your enemy would have believed, that you suspended your career of conquest because the war had owed its origin not to ambition, but to duty; because you sought not territory, but justice; because you preferred an honest peace to the most splendid victory. With the reputation of having commanded, by your attitude of armor, a repeal of the offensive orders, you would have evinced a moderation which must have secured the most beneficial arrangements on the question of seamen.

But, sir, this was not done. No armistice could obtain the approbation of the Executive, unless it was preceded by an abandonment, formal or informal, of the British claim to search for their seamen on board our merchant vessels. As an evidence of this abandonment, the exercise of the claim must, by stipulation, be suspended during the armistice, and this suspension was to be the price of its purchase. Even without an armistice, no "arrangement" was to be deemed a fit subject for negotiation which should not be predicated on "the basis" of an exclusion from our vessels, by our laws, of their seamen, and an absolute prohibition of search by their officers. This, sir, was taking very lofty ground; but, at that moment, the Canada fever raged high, and the delirium of foreign conquest was at its acme. In a few weeks the American flag was to wave triumphant on the ramparts of Quebec. The proposition for an armistice from the Governor of Canada was utterly inadmissible. In the language of our Secretary of State, it wanted reciprocity: "The proposition is not reciprocal, because it restrains the United States from acting where their power is greatest, and leaves Great Britain at liberty, and gives her time to augment her forces in our neighborhood."

Mr. Russell, said Mr. G., did condescend to offer an armistice to the enemy, upon the condition of yielding, as preliminary, even a suspension of arms, all that could be extorted by the most triumphant war. But even he, in his pacific proposition, could not refrain from exulting at the glorious conquests that would inevitably be made if submission was refused or delayed.

"Your Lordship is aware of the difficulties with which a prosecution of the war, even for a short period, must necessarily embarrass all future attempts at accommodation. Passions exasperated by injuries; alliances, or conquests on terms which forbid their abandonment, will inevitably hereafter embitter and protract a contest which might now be so easily and happily terminated."

I cannot forbear, sir, from one remark at the "awful squinting" in this letter at an alliance with France. Gentlemen are sensitive when the possibility of such a connexion is intimated. The very suspicion of such a design in the Cabinet is viewed as a calumny. Here the accredited agent of the American Executive proclaims such a connexion, such an alliance, as inevitable; proclaims it in an official communication to the public enemy. The declaration is laid before Congress and the people by the President, unaccompanied by any disavowal. The Minister is not censured. For his very conduct in this employment he is raised to the highest grade of foreign Ministers; and in spite of the reluctance of the Senate to confirm his nomination, he is pressed upon them by the President until their assent to his appointment is extorted. I dwell not upon this topic, for I confess to you the honest fears which once congealed my heart are now dissipated. The sun of national freedom has burst forth from behind the portentous eclipse, that, "with fear of change," had perplexed the dark-

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ened world. Napoleon, no longer invincible: stripped of the false glare which splendid crime threw around his character, is no longer eulogised as "supereminent," but denounced by the champions of the Administration as an "usurper." No one courts the friendship of a fallen tyrant!

It is not for me to say in what manner the dispute about seamen is to be settled. On this subject I have no hesitation, however, in giving my general sentiments. It is the duty of this Government to protect its seamen (I mean its native seamen) from the forced service of any and every Power on earth, so far as the strength of the country can obtain for them protection. True it is, that in my opinion the number of impressed Americans bears no reasonable proportion to the number alleged. I live in a State which, though it carries on not an extensive foreign commerce, has many native seamen. At the moment of the declaration of war, the inquiry was made whether a single native seaman of North Carolina was then detained by British impressment. I could hear of none. I know that during our restrictive system many of our sailors entered voluntarily into the British service, and, when tired of it, complained that they had been impressed—instances have actually occurred at Plymouth and at London, of men surrendered as impressed Americans, who afterwards boasted that they had cheated their King. In the battle, I think of the President and the Little Belt, a neighbor of mine now an industrious farmer noticed in the number of the slain one of his own name. He exclaimed, there goes one of my protections. On being asked for an explanation he remarked, that in his wild days, when he followed the sea, it was an ordinary mode of procuring a little spending money to get a protection from a notary for a dollar, and sell it to the first foreigner whom it at all fitted for fifteen or twenty. The protected alien assumed, of course, the American name, and, if impressed, claimed to be liberated under it. The examinations which have been had before the committee of the Massachusetts Legislature, and especially that of William Gray, confirm the belief that the number of impressed Americans has been exaggerated infinitely beyond the truth. But their number has been large enough to render the grievance a serious one; and, be they more or less, the right to the protection of their country is sacred, and must be regarded. The Government would forfeit its claims to the respect and affection of its citizens, if it omitted any rational means to secure the rights of American seamen from actual violation. Seek to obtain this security by practical means. If you cannot, by substitute, obtain an abandonment of the right or practice to search our vessels, regulate it so as to prevent its abuse—waiving for the present, not relinquishing, your objections to the right. Do all that can fairly be asked of you to supersede the necessity of the practice. When this is done, and you should nevertheless fail—when war is rendered necessary to obtain a practical and reasonable security for American seamen, against the abuses of impressment, then, sir, that war is just. Whoever

may question its expediency, none who admit that wars may ever be justly waged can feel any conscientious scruples in yielding it support. This, sir, is no late opinion of mine. It has been long and publicly avowed—not indeed as a pledge to my constituents, as my friend and colleague (Mr. MURFREE) has remarked—we do not deal in pledges—but because it is my habit to be frank when no duty commands concealment. Nor is it strange that I should feel attached to the rights of American sailors. I am a native of the seaboard. Many of the playmates of my infancy have become the adventurous ploughmen of the deep. Seafaring men are among my strongest personal and political friends. And for their true interests, their fair rights, I claim to feel a concern as sincere, and a zeal as fervent as can be boasted by any gentleman from the interior, or from beyond the mountains, who has heard of them but knows them not.

Has the prosecution of your scheme of invasion and conquest against the Canadas a tendency to secure these rights and advance these interests? This, sir, is a momentous question, on which it is the duty of every man in authority to reflect dispassionately, and with a fixed purpose to attain the truth. Unless this tendency be manifest, and morally certain, every motive which can be addressed to an honest heart and intelligent mind forbids its prosecution at the present moment. Make a fair comparison of its certain or probable ills with its possible gains, and then pronounce the sentence which justice, humanity, and policy demand; and a suffering nation will bless your decision.

It is not my design to consider the immense expenditure which this scheme has cost, and which a continuance of it will cost to this country.\* Well worthy is this topic of consideration, especially at a moment when industry is without encouragement, and external revenue is utterly destroyed. But it has been examined with great ability by gentlemen who have preceded me, especially by the gentlemen from Connecticut and Virginia, (Mr. PITKIN and Mr. SHEFFEY,) and contenting myself with an earnest request, that their remarks be not forgotten, and that in your zeal for conquest you do not beggar your people, I hasten to present other views which have not been so fully unfolded.

There is something in the character of a war made upon the people of a country to force them

\* It was well remarked by Mr. Pearson, that the Constitutional rule of ascertaining the contribution of each individual to the satisfaction of the public debt, was to be collected from the system of direct taxes. Supposing the debt which will have been created by the Canada war by the close of the next campaign to be ninety millions, every man may ascertain how much of his property is mortgaged for its payment, by adverting to his portion of the direct tax. The whole amount of this direct tax is three millions—multiplying, therefore, each man's direct tax by thirty, will give the share of the whole debt, for which he may be considered as liable.—*Note by Mr. Gaston.*

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to abandon a Government which they cherish, and to become the subjects or associates of their invaders, which necessarily involves calamities beyond those incident to ordinary wars. Among us some remain who remember the horrors of the invasion of the Revolution—"and others of us have hung with reverence on the lips of narrative old age as it related the interesting tale." Such a war is not between those only who seek for renown in military achievements, or the more humble mercenaries "whose business 'tis to die." It breaks in upon all the charities of domestic life, and interrupts all the pursuits of industry. The peasant quits his plough, and the mechanic is hurried from his shop to commence without apprenticeship the exercise of the trade of death. The irregularity of the resistance which is opposed to the invader, its occasional obstinacy and occasional intermission, provoking every bad passion of his soldiery, is the excuse for plunder, lust, and cruelty. These atrocities exasperate the sufferers to revenge; and every weapon which anger can supply, and every device which ingenious hatred can conceive is used to inflict vengeance on the detested foe. There is yet a more horrible war than this. As there is no anger so deadly as the anger of a friend, there is no war so ferocious as that which is waged between men of the same blood, and formerly connected by the closest ties of affection. The pen of the historian confesses its inability to describe, the fervid fancy of the poet cannot realize, the horrors of a civil war. This invasion of Canada involves the miseries of both these species of war. You carry fire and sword amongst a people who are "united against you (say your Generals) to a man"—amongst a people who, happy in themselves, and satisfied with their condition, view you not as coming to emancipate them from thralldom, but to reduce them to a foreign yoke. A people long and intimately connected with the bordering inhabitants of our country by commercial intercourse, by the ties of hospitality, by bonds of affinity and blood—a people, as to every social and individual purpose, long identified with your own. It must be that such a war will rouse a spirit of sanguinary ferocity, that will overleap every holy barrier of nature and venerable usage of civilization. Where will you find an authenticated instance of this ferocity, that more instantaneously compels the shuddering abhorrence of the heart, than the fact asserted by my eloquent friend from New Hampshire, (Mr. WEBSTER.) "The bayonet of the brother has been actually opposed to the breast of the brother." Merciful Heaven! That those who have been rocked in the same cradle by the same maternal hand—who have imbibed the first genial nourishment of infant existence from the same blessed source, should be forced to contend in impious strife for the destruction of that being derived from their common parent! It should not be so! Every feeling of our nature cries aloud against it!

One subject is intimately connected with this Canadian war, which demands the most thorough and deliberate examination. I tremble to ap-

proach it thus incidentally, lest I injure the cause of humanity and truth, by a cursory vindication. And yet I dare not altogether omit it, because I fear an opportunity of full consideration will not be presented, and it is of an urgency and a magnitude that forbid it to be overlooked. I mean, sir, the falsely called system of retaliation, which threatens to impart to the war a character of barbarity which has not its parallel in the modern annals of Christendom. Twenty-three persons of our invading army, who were taken prisoners by the enemy at the battle of Queenstown, in Canada, have been sent to England as British subjects, to be tried for treason. To deter the enemy from executing the law upon these unhappy men, our Executive has ordered into close custody, an equal number—not of American citizens invading our country—(this would, indeed, be retaliation)—but of British prisoners who have committed no crime. It is avowed that these shall be put to instantaneous death, if the men sent to England should be convicted and executed. The British Government has proceeded, in return, to confine a corresponding number of Americans, as hostages for the safety of the British prisoners, under the same determination and avowal. This has again been retaliated on our side, and the retaliation retorted by the enemy, so that an indiscriminate and universal destruction of the prisoners on each side is the menaced consequence of the execution of one of the presumed Englishmen ordered home for trial.

Before we enter upon this career of coldblooded massacre, it behooves us, by every obligation which we owe to God, to our fellow-men, and to ourselves, to be certain that the right is with us, and that the duty is imperative. If in a moment of excited feeling we should heedlessly enact the fatal deed which consigns thousands of the gallant and the brave Americans and Britons to an ignominious death, and should afterwards discover that the deed was criminal; that the blood of the innocent is upon us, and the cries of their fatherless infants have ascended against us to the throne of the Most High; how shall we silence the reproaches of conscience; how atone for the wide spread and irreparable mischief; or how efface from the American name the infamous stain that will be stamped upon it? With motives thus awfully obligatory to a correct decision, we are in imminent danger of error, from causes of which we are not aware. A portion of our population, inconsiderable in number as compared with the whole mass, but influential, because of their activity, violence, boldness, and their control of the popular presses—I mean, sir, that part of our naturalized citizens, who, not content with pursuing the private occupations of industry, undertake to manage the affairs of State, or teach us how they should be managed—have systematically and zealously labored to disseminate false principles, and excite prejudices and passions calculated to mislead the public mind. Divesting ourselves as far as possible from all hasty impressions, let us examine upon what foundation rests the right to put our prisoners to death, in revenge

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for the execution of the men who are to be tried in England for treason. If it shall be, that these men are native subjects of Great Britain, who have never pretended to shake off their allegiance by naturalization here, their crime in making war against their acknowledged country, and actually invading its territories, is so manifestly treason, and the right of their country to punish such treason is so complete, that I will not presume it necessary to argue upon either of these topics. If the enemy has a perfect right to regard them as traitors, we cannot have the inconsistent right to avenge, with innocent blood, their just doom. But it may be that some of them are British subjects naturalized in America. I believe this is not the fact. We have no official information; but from the most respectable unofficial sources I learn it is not the fact. If it should be, however, a very interesting inquiry presents itself. What is the effect of naturalization in severing the ties which bind a man to his native country, and in requiring, as against its claims, the protection of his adopted country? It is my conviction, that erroneous opinions prevail upon this point. It is a point on which this country, surrounded by foreign territories, into which our citizens are migrating in vast numbers, has a very deep interest to form correct opinions.

Every political association must be considered as originally founded on a contract between each of its members and the whole body. Each stipulates to yield obedience to the laws, and to refrain from acts destructive of the existence of the State; while the community, as such, stipulates to secure to each individual the enjoyment of his rights. The duration of such an association, if not denied by the original compact, is necessarily unlimited. When any of its members is desirous to free himself from his engagements, it is manifest that he cannot do it by his own act, at his own pleasure; for such a power would be utterly inconsistent with the notion of an obligation. He can be released from his contract only upon the occurrence of some event which by the terms of the association, it is stipulated, shall have such effect, or by the consent of the community to which he was bound. As is the state of the original parties to the association, such is that of their descendants. Children in every political community must be viewed as succeeding to the rights and with them to the consequent obligations of their parents; but for this principle the great inducement to the social state, the desire of providing for the security and happiness of a family, would be annihilated, and the trammels of Government never would be submitted to. But for this, that perpetual succession which keeps up the identity of the nation, although its individuals are all in a state of decay and renovation, which gives it a corporate being essential to its action, is at once destroyed. From these principles, or principles like these, it is, that all jurists agree that when a political society is formed the fundamental laws of that society may prescribe when and upon what terms only any individual of it shall be freed from his engagement to defend it. That

such society possesses this right is a principle of universal law; no dictum can be found to contradict it. How such right shall be exercised must of course depend on the wisdom and virtue of the society itself, or of those who enact its laws. It must be perfectly obvious that in any case where the fundamental laws of the society do not permit the individual to release himself from his engagement the intervention of a third party cannot effect this release. A promise of A to B cannot be discharged by an act of C. The effect therefore which the naturalization in any country of the subject of another has upon the original obligations of that subject to his native country must depend upon its law, prescribing to what extent and under what circumstances these original obligations may be lessened or destroyed. The institutions of different countries vary from each other in this respect; some are more rigid and others more indulgent. But I know of but one State on earth, the State of Virginia, which allows the native subject or citizen so completely to divest himself of his original character as to raise against her with impunity the hand of parricide. Virginia by a statute does permit a citizen by a formal deed, executed before witnesses, acknowledged in court and recorded, to quit-claim and renounce his birthright, and thenceforth to be deemed as though he never had been of the State. All other States in the civilized world impose this restraint, that their original subject shall never wage war against his country.

With the fundamental laws of England in relation to this subject, we have a perfect acquaintance. In general, every man is there at liberty to quit the kingdom, to pursue abroad such occupations, and enter into such engagements as he may find beneficial; but on the express condition that he shall not violate his faith to his sovereign, the first great duty of which is, not to invade his territories and war against his subjects. I was surprised to hear a gentleman from Kentucky, whose good sense and independence I much respect, (Mr. MONTGOMERY,) argue that the permission to a British subject to leave his country, was an implied consent that he might throw off all allegiance to it. Such an implication is done away by the very terms of the permission. The law is as old as Magna Charta, and has been uniform down to this day. "*Licuit unicuique de cetero exire de regno nostro, et redire salvo et secure, per terram et per aquam, salva fide nostra.*" 23d article Abbot's edition of Magna Charta. "It may be lawful for every one hereafter to go out of our kingdom, and return safely and securely, by land and by sea, saving his faith to us." In the reign of Elizabeth, occurred the case of Dr. Story, which gentlemen will find accurately reported.—2d Dyer, 298, b. 304. A native of England, he had long quitted that country; had become a subject of Philip of Spain, and had actually been received as Ambassador from Philip at the English Court. He was indicted for treason; he pleaded the fact of his having become a Spanish subject; the plea was overruled; he was convicted and executed. The case of Colone

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Townly occurred in 1746. He was indicted for treason in aiding in the rebellion of 1745; was convicted and executed; notwithstanding the fact of his having become a French subject, and bearing a French commission. The case of *Æneas McDonald*, in the same year, was more remarkable. He had left Scotland, his native land, a mere infant, and ever afterwards resided in France. As a subject of the King of France, and an officer in his army, he accompanied the Pretender in 1745; was taken prisoner, indicted for treason, and convicted. He was, indeed, not executed. The hardship of his fate excited commiseration; and, upon the recommendation of his jury to mercy, his sentence was commuted to perpetual banishment. It is vain to multiply proofs. Nothing can be more certain than the English law, in relation to its subjects naturalized abroad, waging war against their country. The law of France is more strict, and equally precise. The edict of Trianon, of 23d August, 1813, with great decision, declares—"No Frenchman can be naturalized abroad without our consent," (that is of the Emperor;) and that "Frenchmen naturalized abroad, even without our permission, can at no time carry arms against France, under pain of being indicted in our courts, and condemned to the punishment enacted in the penal code."—Book 3, c. 75. During the French Revolution, in 1795, a corps of emigrants, whom oppression and brutal violence had compelled to quit their country, formed themselves into an army in the pay and employment of Britain, and as such engaged in the ill-fated expedition to Quiberon. They were made prisoners, and executed as traitors. What is our own law? In every State of the Union, except Virginia, it is precisely the law which obtains in Great Britain—no man shall exempt himself from the obligation not to war against his country; and, in Virginia, even, he can only get rid of this obligation by observing the stipulated forms which its law prescribes. Naturalization granted in another country has no effect whatever to destroy his original primary allegiance. A gentleman from Virginia (*Mr. EPPES*) informed us that, under a British statute, two years voluntary service in their navy, *ipso facto*, naturalized a foreigner. Be it so, sir. Let us suppose that, during our restrictions on commerce, an American citizen, a Virginian for instance, who had not gone through the stipulated formalities of expatriation, had entered on board the British navy, and after serving there two years, and thus becoming a naturalized subject of George III, had infamously joined in the invasion of his native land. Suppose this miscreant taken prisoner, heading a hostile band at the burning of Havre, or at the atrocious outrages of Hampton, and arraigned for treason in levying war against the United States, what defence could be made for him? Is there a gentleman in the House, with any pretensions to legal science, who will so far hazard his reputation as to allege that a defence could be made for him? Is there a judge in our land, from those who adorn the bench of our Supreme Court down to the humblest in capacity

and office, who could be even amused by the miserable sophistry that naturalization in Britain repealed our law of treason? No, sir, the traitor would be condemned—inevitably condemned; and if the President were frightened from executing the sentence, by an insolent threat from Britain to put innocent Americans to death in revenge for the just doom of the convict, he would encounter the contempt and execration of his country. How is it, then, that we undertake, by such menaces, to deter the enemy from executing a like law, under like circumstances, against her unnatural children?

This law against the alienation of allegiance is no relic of tyranny; it is founded in the analogy of nature, and essential to the harmony of the world. There is a striking similitude between the duties of a citizen to his country, and those of a son to his father. Indeed, sir, what is the word country but a comprehensive phrase, embracing all those charities which grow out of the domestic relations of parents, children, kindred, and friends? When the boy has attained manhood, and the father's care is no longer necessary to guard him from daily harms, he is at liberty to quit the parental roof; to become the inmate of another family; there form connexions essential to his happiness, and take upon himself obligations of respect and tenderness as the adopted son of other parents. But is nature's first great bond utterly severed? Can he return at the bidding of his new friends to ravage and destroy the home of his childhood, and pollute it with the life-blood of those from whom he received life? Would this be but an ordinary trespass—a common homicide—which provocation might extenuate, excuse, or even justify? An association, sir, formed by a resurrection of the wretches who have died on the gibbet, would disdain such a principle in their code. What is the jargon of modern expatriation but the same principle interpolated into the code of nations?

The peace and independence of every State, and of none more than ours, demand that the citizen should not be released from the just claims of his country by the interference of foreign Powers. Give to such interference this effect, and every nation is made dependent upon the arbitrary exercise of a foreign right to control and regulate its vital concerns. The Spanish dominions to the South, and the British territories to the North, have tempted from us many of our boldest spirits. Let them go; let them there enjoy every privilege, if they can find it, which in our happy country is given to the fugitive European; every privilege which is essential to their comfort. Let them pursue in tranquillity their industrious occupations, realize the profits of enterprise, and be protected from every invasion of individual right. In return for these advantages, let them, like the Europeans whom we naturalize, render a cheerful obedience to the laws, perform every social duty which is assigned to them, and contribute to the support of the Government a fair proportion of their gains. But permit them not to forget the country which gave them birth

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and protected their infancy. Suffer them not with impunity to be converted into hostile tribes, whose numbers may be swelled from day to day by the factious, the restless, and the criminal, who have but to pass an ideal line, and the duty of obedience is converted into the right to destroy.

Unless I am greatly deceived, the law of England must be suffered to have its course with the individuals, if natives of England, and migrating to us since the Revolution, who are sent thither for trial. Whether they ought to be executed, if convicted, is a very different question. Considering the intimate connexion which common origin, language, and manners, and intimate commerce has heretofore induced between the countries, and the consequent interchange of their inhabitants; remembering, too, that general laws are often cruel in their application to particular cases, the Executive authority in that country is bound by the strongest motives to consult the dictates of humanity, and forbear the too rigorous exercise of right. But if these considerations should not there prevail, and the severe penalty of the law of treason is exacted, as of right it may be, shall we, without right, without the semblance of law, coldly murder those who are in our power who have committed no treason against us, and against whom crime is not pretended? Is this called retaliation? Britain executes British traitors serving in the American Army, regularly tried and convicted of treason, and we, in return, execute—whom? American traitors, serving in the British army, and convicted of treason? No, but faithful, loyal men, bearing arms in the cause of their native country! tried by no law! offenders against no law! Sir, the pretension is monstrous? I have met with no instance of such a pretension being ever asserted in a civilized country. Did Philip of Spain retaliate in this way for the execution of Dr. Story? Did France retaliate for the execution of Colonel Townly? Did Britain thus retaliate for the execution of the French emigrants taken at Quiberon? I have heard it said that Napper Tandy, an Irishman, naturalized in France, was surrendered upon a threat of retaliation from France. I doubt the fact—the only evidence of it is in a note to an evidently partial and one-sided account of his trial in a collection of Curran's Speeches. In no authentic register have I been able to find it. But, if it were true, the note itself states that the ground on which he was demanded, was not that he had been naturalized by France, and therefore not liable to be executed for treason; but because he had been unjustly seized at Hamburg, in neutral territory, and ought to be returned. Theobald Wolfe Tone, Tandy's associate, and, like him, an officer of France, but not like him, arrested in a violated neutral territory, was neither demanded or delivered. Condemned to death, he changed the mode of its execution by committing suicide. And shall my country, claiming to excel in humanity, as it excels in freedom, the nations of Europe, shall it be the first to avow a monstrous, unfounded pretension, and vindicate

it by innocent blood? Shall it teach a lesson of barbarity to the hardened chieftains of slaughter, of which they were before ignorant? Shall it seek to protect foreigners from the vengeance of their sovereigns, at the cost of immolating its own native citizens? Shall it doom a revolutionary Winchester, or a gallant Winder, to a shameful death, because it cannot save alien traitors from their legal fate?

Think for a moment, sir, on the consequences, and deem it not unworthy of you to regard them. True courage shuts not its eyes upon danger or its results. It views them steadily, and calmly resolves whether they ought to be encountered. Already has this Canadian war a character sufficiently cruel, as Newark, Buffalo, and Niagara can testify. But when the spirit of ferocity shall have been maddened by the vapor steaming from the innocent blood that shall stagnate around every depot of prisoners, then will it become a war, not of savage, but of demoniac character. Your part of it may perhaps, be ably sustained—your way through the Canadas may be traced afar off by the smoke of their burning villages—your path may be marked by the blood of their furious peasantry—you may render your course audible by the frantic shrieks of their women and children. But your own sacred soil will also be the scene of this drama of fiends. Your exposed and defenceless seaboard, the seaboard of the South, will invite a terrible vengeance. That seaboard which has been shamefully neglected, and is at this moment without protection, has been already invaded. But an invasion, after the war shall have assumed its unmitigated form of carnage, and woe, and wickedness, must be followed with horrors which imagination can but faintly conceive. I will not trust myself to tell you all I feel, all my constituents feel, upon this subject. But I will say to the gentleman from Pennsylvania, that when he alludes to the probability that an intestine foe may be roused to assassination and brutality, he touches a chord that vibrates to the very heart. Yes, sir, I live in a State whose misfortune it is to contain the materials out of which may be made such a foe—a foe that will be found everywhere—in our fields, our kitchens, and our chambers; a foe, ignorant, degraded by habits of servitude, uncured by moral restraints—whom no recollections of former kindness will soften, and whom the remembrance of severity will goad to frenzy—from whom nor age, nor infancy, nor beauty, will find reverence or pity—and whose subjugation will be but another word for extermination. Such a foe, sir, may be added to fill up the measure of our calamities. Let me not be misunderstood—let no gentleman misconceive my meaning. Do I state these consequences to intimidate or deter you? I think better of my countrymen. I hope and believe, in the language of Wilkinson to Prevost, the Americans will not be deterred from pursuing what is right by any dread of consequences. No, sir, I state them to rouse your attention and awaken your scrutiny into the correctness of the course you are pursuing. If on mature deliberation you are sure that



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you are right, proceed, regardless of what may happen.

*"Justum et tenacem propositi virum—  
Si fractus illabatur orbis,  
Impavidum serient ruinæ."*

"The man resolv'd and steady to his trust,  
Inflexible to ill, and obstinately just;

From orbs convuls'd should all the planets fly,  
World crush on world, and ocean mix with sky;  
He, unconcern'd, would view the falling whole,  
And still maintain the purpose of his soul."

But reflect well, I conjure you, before reflection is too late. Let not passion or prejudice dictate the decision; if erroneous, its reversal may be decreed by a nation's miseries, and by the world's abhorrence.

Mr. Chairman, turning from the gloomy view of the effects of the Canada war, my attention is arrested by another consequence likely to follow from it, on which I will not long detain you, but which is not less interesting nor less alarming. In proportion as gentlemen become heated in their pursuit of conquest, and are baffled in their efforts to overtake it, the object becomes valuable in their estimation, and success is more identified with their pride. The conquest of Canada, contemplated as an easy sport, without a fixed design either to keep it, to secure, or surrender it to purchase rights, has from its difficulty swelled into an importance which causes it to be valued above all rights. Patriotism was relied on to fill the ranks of the invading army; but it did not sufficiently answer the call. These ranks, however, must be filled—avarice is next resorted to—the most enormous price is bid for soldiers, that was ever offered in any age or country. Should this fail, what is the next scheme? There is no reserve or concealment. It has been avowed that the next scheme is a conscription. It is known that this scheme was recommended even at this session by the War Department, and that it was postponed only to try first the effect of enormous bounty. The freemen of this country are to be draughted from the ranks of the militia, and forced abroad as military machines, to wage a war of conquest! Sir, I have been accustomed to consider the little share which I have in the Constitution of these United States, as the most valuable patrimony I have to leave to those beings in whom I hope my name and remembrance to be perpetuated. But I solemnly declare, that if such a doctrine be ingrafted into this Constitution, I shall regard it as without value, and care not for its preservation. Even in France, where man, inured to despotism, has become so passive and subservient as almost to lose the faculty of feeling oppression, and the capacity to perceive it, even there, sir, the tyranny of conscription rouses him to the assertion of his innate freedom, to struggle against slavery in its most malignant form. No, sir, not the dread of all the severe punishments ordained for refractory conscripts, not the "*peine du boulet*," the "*travaux publiques*," nor death itself, can stupify him into seeming sub-

mission.\* He yields only to absolute force, and is marched to the field of glory manacled and handcuffed. And is such a principle to be introduced into our benign, our free institutions? Believe me, the attempt will be fatal—it cannot succeed but by military terror—it will be the signal for drawing the sword at home. Americans are not fitted to be the slaves of a system of French conscription, the most detestable of the inventions of tyranny. Sir, I hear it whispered near me, this is not worse than the impressment of seamen. It is worse, infinitely worse. Impressment forces seamen to serve in the public ships of their country, instead of pursuing their occupation in the merchant service. It changes their employment to one more rigorous, of longer continuance, of greater danger. But it is yet employment of the same kind—it is yet employment for which they are fitted by usage and education. But conscription is indiscriminate in the victims of its tyranny. The age, not the pursuit, of the conscript is the sole criterion of his fitness. Whatever be his habits, whatever his immediate views, whatever his designed occupation in life, a stern mandate tears him from the roof of his father, from the desk, the office, the plough, or the workshop, and he is carried far from home to fight in foreign climes the battles of ambition. But, sir, if conscription were not worse than impressment I should not lose my objection to it—I am not prepared to assent to the introduction of either conscription or impressment into my country. For all the British territories in the Western world, I would not. Fight for sailors' rights—yet rivet on our citizens a French conscription? Fight for rights on the ocean, and annihilate the most precious of all rights at home—the right of a freeman never to be forced out of his own country! How alarming is the infatuation of that zeal, which in its ardor for attaining its object, tramples in the dust objects of infinitely higher price!

What is the probability of success in this scheme of conquest, is a topic on which I mean not to enlarge. It is not necessary that I should, for others have ably discussed it. That you may take Upper Canada, that you may overrun the lower province I believe; but that you will take Quebec, while the mouth of the St. Lawrence is commanded by a hostile fleet, I cannot believe; if an opposite thought sometimes get possession

\* The system of conscription is upheld in France, by the most rigorous punishments upon all who are instrumental in evading its operation. The most ruinous fines are imposed upon the parents of the refractory conscript, and where they are accessory to his escape the severest corporal punishment, such as branding with hot irons, public exposure, and imprisonment. The "*Peine du Boulet*," is an iron ball of eight pounds weight, fastened to the leg by an iron chain seven feet long. It is accompanied with hard labor of ten hours daily, and, in the intervals of rest, solitary confinement. It lasts ten years, and the poor wretch wears a disgraceful dress, the emblem of his ignominy—the "*travaux publiques*" are employed in such public labors as the Government may direct.—  
*Note by Mr. Gaston.*

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of my imagination, I find it springing from that impulse of the heart which makes me fancy victory perched on the standard of my country, and not the result of an exertion of the understanding. But, sir, if you should conquer the Canadas, subdue Nova Scotia, and possess yourselves of all the British territories in America—if, after impoverishing your country by ruinous loans and grinding down your people by oppressive taxes, you should wade at last through the horrors of invasion, massacre of prisoners, a servile war, and a military conscription to the now darling object of your wishes—I pray you, sir, what is then to be done? What do you design to do with the conquered territory? We will keep it, say the gentlemen from Vermont and Pennsylvania (Mr. BRADLEY and Mr. INGERSOLL.) We will keep it, because it is an object with our people; because it will keep off Indian wars, and retribute us for the wrongs we have sustained. I believe, indeed, that, if conquered, there will be a powerful party to the North and West that will not consent to part with it—with whom it is an object. But how shall it be kept? As a conquered province? To retain it as such against the efforts of an exasperated, though conquered people within, and the exertions of a powerful, proud, and irritated enemy without—that enemy, master of the sea, always able to invade and to succor the invaders—will require a military strength and a pecuniary expenditure not less continued or less in amount than were demanded to take it. Such a conquest is never finished; when nominally effected, it is to be begun. But we will incorporate it into the Union—ay, this would be indeed a pleasant result! Let my Southern friends—let gentlemen who represent slaveholding States attend to this. How would this project take at home? What would their constituents give to have half a dozen new States made out of the Canadas? It is, besides, so notable an expedient for strengthening the nation, and so perfectly in accordance with the principles of our form of Government! We are to force men into an association the very life of which is freedom, and the breath of that life unrestrained choice! And to give vigor to the nation, we are to admit into its councils, and into a free participation of its power, men whose dislike of its Government has been strengthened into abhorrence by the exasperations of war, and all whose affections are fixed upon its enemy! But at all events you are to keep the Canadas. What, then, will you do about sailors' rights? You will not be a jot nearer to them than you are now. How will you procure them, or seek to procure them? Will you then begin in good earnest to protect or obtain them by naval means? Would it not be advisable to attend to this declared object of the war now, rather than wait until after the Canadian scheme is effected? Perhaps you mean to keep Canada and abandon sailors' rights. If so, why not avow to the people that it is conquest you fight for, and not right? But, perhaps, it is designed when the conquest is effected to give it back to Britain as an equivalent

for the cessation, on her part, of some maritime right—for the privilege that our ships shall not be searched for British sailors. On this question you may make an arrangement practically securing all we ought now to contend for. You will, I hope, make it in the pending negotiation. But that by surrender of Canada after it is conquered you may purchase from her a disavowal or relinquishment of the right, no man can believe, who understands either the views or the prejudices of that people. They believe the right essential to their naval existence, to deter their seamen from general desertion. All classes in that country so regard it—we know there is not a difference of opinion among any description of politicians in the Kingdom upon this subject. If they have any jealousy of you, (and I believe some of them have,) it is not a jealousy of your territorial extent—but of your fitness to become their commercial and naval rival. Can it be believed, then, that they would compromise in a surrender of a claim, which surrendered, in their judgment, weakens them and invigorates you where alone they are apprehensive of a competition, for the sake of preventing an accession to your territory which extends your limits, while it takes away from your strength? Indulge no such delusion. Were Canada a thousand times more important to Britain than it is, it were yet of less value than her naval power. For the sake of it she would never yield a principle on which that naval power depends. No, sir, the return of conquered Canada, even with the hoped for agency in our favor of the Russian Emperor, would not weigh a feather in the scale against what she deems her first great national interest. As it regards, too, these fancied exertions of Russia in our favor, gentlemen surely deceive themselves. However attached Russia may be to the most liberal principles of commercial intercourse, she never will array herself against the right of the sovereign to compel the services of his seafaring subjects. On this head her policy is not less rigorous (to say the least) than that of England. I will not be more particular. A short time will probably show the grounds of my belief.

But, sir, among the reasons for prosecuting the invasion of Canada one has been gravely stated of a very peculiar kind. Canada, says a gentleman from South Carolina, (Mr. CALHOUN,) should be invaded to protect our frontiers and seaboard from invasion—it is the most economical and effectual method of defence. Although this consideration presents nothing very splendid to our view, yet it would be worth all other reasons for the invasion if it were founded on fact. But, ask the people on your frontiers and on your seaboard, and what will they say? They will tell you, that it is the invasion of Canada alone which endangers them. The most effectual defence to them would be an abandonment of your scheme. Sir, an invasion of the United States, but for the purpose of diverting your forces from Canada or retorting on you the distresses of war, cannot enter into the scheme of British or Canadian policy. It is not to be prosecuted, but

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at vast inconvenience and expense, with great loss of useful soldiers, under a certainty of ultimate failure, and without hope of glory or gain. The Canadian yeomanry, freed from the terrors of invasion, will cheerfully resume their peaceful occupations; and such of the British regulars as are not required for ordinary garrison duty, instead of being employed in a miserable, predatory, yet destructive border warfare, will be sent to mingle in the European strife, where renown and empire are the mighty stake. Surely this is emphatically the age and the Government of paradox. A war for "free trade," is waged by embargo and prohibition of all commercial intercourse; "sailors' rights" are secured by imprisoning them at home, and not permitting them to move from place to place within their prison but by a license from a collector, like a negro's pass, and obtained on the security of a bondsman; and our frontiers and seaboard are to be defended by an invasion of Canada, which can alone endanger an attack!

But the real efficient argument for perseverance in the scheme of Canadian conquest has been given by the gentleman from Tennessee (Mr. GRUNDY.) We made the war on Britain, says the gentleman, and shall we restrict ourselves to defensive measures? For what purpose was war declared if we do nothing against the possessions of the enemy? Yes, sir, it is the consideration that this war was originally offensive on our side, that creates the, I fear, insuperable obstacle to our discontinuance of it. It were vain to lament that gentlemen are under the influence of feelings which belong to human nature. It would be idleness to declaim against the sinfulness or the folly of false pride. All must admit that it is one of the greatest efforts of magnanimity to retract a course publicly known, and on the correctness of which reputation is staked. If honorable gentlemen could but perceive that this difficulty is one of pride only, and of pride opposing their country's best interests, I know that they could, and believe many of them would, make the effort. Painful as may be the acknowledgment of political error, yet, if they clearly saw that either this humiliation must be endured, or the nation ruined, they could not hesitate in their choice between such alternatives. But, sir, I wish not to present such alternatives to their election; so difficult is it to produce a conviction against which the pride of the heart rebels, that I will not attempt it. Gentlemen are not called on to retract. They may now suspend the execution of their scheme of invasion without an acknowledgment of its error. They may now, without humiliation, restrict themselves to defence, although the war was in its origin offensive. A second favorable opportunity is presented of restoring tranquillity to our once happy country. The first, the revocation of the Orders in Council, was suffered to pass unimproved. Let not this be lost—a third may not shortly occur. Your enemy has invited a direct negotiation for the restoration of peace. Your Executive has accepted the offer, and Ministers have been ap-

pointed to meet the Commissioners of the opposite party. This circumstance ought to produce an entire and essential change in your policy. If the Executive be sincere in the acceptance of this proposition he must have acted on the hope that an amicable adjustment of differences might be made. And while there is such a hope, such a prospect, on what principle can you justify invasion and conquest? Force is the substitute, not the legitimate coadjutor of negotiation. Nations fight because they cannot treat. Every benevolent feeling and correct principle are opposed to an effusion of blood, an extension of misery, which are hoped to be unnecessary. It is *necessity* alone which furnishes their excuse; do not then, at the moment when you avow a belief, a hope at least, that such necessity exists not, pursue a conduct which, but for its existence, is inhuman and detestable.

Besides, sir, if you are earnest in the wish to obtain peace from the Gottenburg mission, suspend in the meantime offensive operations, which cannot facilitate, and may prevent the accomplishment of your object. Think you that Britain is to be intimidated by your menaced invasion of her territories? If she had not learned, by experience, how harmless are your threats, she would nevertheless see but little cause for fear. She knows that the conquest cannot be completed in one, nor in two campaigns. And when she finds that every soldier whom you enlist is to cost you, in bounty alone, upwards of one hundred guineas,\* she will perceive that the war is more destructive to your finances, the great source of military strength, than to her territories. The blow aimed at her recoils upon themselves. But the exasperations which must result from the wrongs mutually inflicted in the course of the campaign, may have a very injurious effect upon the disposition to pursue pacific efforts. They will be apt to create a temper on each side, unfavorable to an amicable arrangement. In truth too, sir, you are not prepared for such a campaign, as in honor and humanity you can alone permit yourselves to carry on. Suppose by the month of May or June you raise your men, what are they? Soldiers, fitted to take care of themselves in camp, and support the reputation of your armies in the field? No—they are a mere rabble of raw recruits; march them to Canada, and pestilence will sweep them off by regiments and brigades; while the want of discipline will unfit those whom pestilence spares, for an honorable contest with an experienced foe. Instead, therefore, of the hurry and bustle of filling your ranks with recruits and rushing with them into Canada, attend rather to the training and improvement of those now in service. Make soldiers of them; by gradual enlistments you may regularly add to

\*The bounty to each soldier is one hundred and twenty-four dollars cash, and one hundred and sixty acres of land, which, at two dollars per acre, is three hundred and twenty dollars—in all, four hundred and forty-four dollars, besides the eight dollars per man to the recruiting agent.

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their number, and insensibly incorporate the new levies with the disciplined troops. If it should hereafter become necessary to march into the field, you will then have an army under your command, not a multitude without subordination. Suspend, therefore, hostilities while you negotiate. Make an armistice until the result of the negotiation is ascertained. You can lose nothing; you can gain everything by such a course; then negotiate fairly, with a view to obtain for your native seamen a practicable and reasonable security against impressment, and with a disposition to aid Britain in commanding the services of her own. Such an arrangement might have been made on the revocation of the Orders in Council, could you have been then satisfied with anything short of an abandonment of the British claim to search. I doubt not but that it may now be made. More you probably cannot obtain. The time may come when, with greater effect, you can prefer, if necessary, higher claims. All is hazarded by precipitately urging more than your relative strength enables you to enforce. Permit your country to grow; let no just right be abandoned; if any be postponed, it may be advanced at a more opportune season, with better prospect of success. If you will quit this crusade against Canada, and seek peace in the spirit of accommodation, and (permit me to add) if you will forego your empiric scheme of embargo and commercial restrictions, you will restore harmony at home, and allay that wide-spread, and in some places alarming spirit of discontent that prevails in our land. And if your pacific efforts fail, if an obstinate and implacable foe will not agree to such a peace as the country can with credit accept, then appeal to the candor and spirit of your people for a Constitutional support, with a full assurance that such an appeal under such circumstances cannot be made in vain.

It is time, Mr. Chairman, that I should release you from the fatigue of hearing me. There is but one more topic to which I solicit your attention. Many admonitions have been addressed to the minority, by gentlemen on the ministerial side of this House, not without merit, and I hope not without edification, on the evils of violent opposition and intemperate party spirit. It is not to be denied that opposition may exceed all reasonable bounds and a minority become factious. But when I hear it seriously urged, that the nature of our Government forbids that firm, manly, active opposition, which in countries less free is salutary and necessary; and when I perceive all the dangers of faction apprehended only on the side of a minority; I witness but new instances of that wonderful ductility of the human mind, which, in its zeal to effect a favorite purpose, begins with the work of self-deception. Why, sir, will not our form of Government tolerate or require the same ardor of Constitutional opposition, which is desirable in one wherein the Chief Magistrate is hereditary? "Because," says the gentleman from South Carolina, (Mr. CALHOUN,) "in a monarchy, the influence of the Executive and his Ministers requires continual vigilance, lest

'it obtain too great a preponderance—but here the Executive springs from the people, can do nothing without their support, and cannot therefore overrule and control the public sentiment.' Sir, let us not stop at the surface of things. The influence of the Executive in this country, while he retains his popularity, is infinitely greater than that of a limited monarch. It is as much stronger as the spasm of convulsion is more violent than the voluntary tension of a muscle. The warmth of feeling excited during the contest of an election, and the natural zeal to uphold him whom they have chosen, create, between the Executive and his adherents, a connexion of passion—while the distribution of office and emolument adds a communion of interests,—which, combined, produce an union almost indissoluble. "Support the Administration" becomes a watch-word, which passes from each chieftain of the dominant party to his subalterns, and thence to his followers in the ranks, till the President's opinion becomes the criterion of orthodoxy, and his notions obtain a dominion over the public sentiment, which facilitates the most dangerous encroachments, and demands the most jealous supervision. In proportion as a Government is free, the spirit of bold inquiry—of animated interest in its measures—and of firm opposition where they are not approved, becomes essential to its purity and continuance. And he, who, in a democracy or republic, attempts to control the will of the popular idol of the day, may envy the luxurious ease with which ministerial oppressions are opposed and thwarted in Governments which are less free. Intemperance of party, wherever found, never will meet with an advocate in me. It is a most calamitous scourge to our country—the bane of social enjoyment, of individual justice, and of public virtue—unfriendly to the best pursuits of man, his interest and his duty—it renders useless or even pernicious the highest endowments of intellect, and the noblest dispositions of the soul. But, sir, whatever may be the evils necessarily inherent in its nature, its ravages are then most enormous and desolating when it is seated on the throne of power and vested with all the attributes of rule. I mean not to follow the gentleman from South Carolina over the classic ground of Greece, Carthage, and Rome, to refute his theory, and show that not to vehement opposition, but to the abuse of factious and intolerant power their doom is to be attributed. Nor will I examine some more modern instances of Republics whose destruction has the same origin. The thing is no longer matter of discussion, it has passed into a settled truth in the science of political philosophy. One who on a question of historical deduction, of political theory, is entitled to high respect, has given us an admirable summary of the experience of Republics on this interesting inquiry. In the tenth number of the *Federalist*, written by Mr. Madison, we find the following apt and judicious observations:

"By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common

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impulse of passion or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."

"The inference to which we are brought, is, that the causes of faction cannot be removed, and that relief is only to be sought in the means of controlling its effects. If a faction consists of less than a majority, relief is supplied by the republican principle which enables the majority to defeat its sinister views by regular vote. It may clog the Administration; it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular Government on the other hand enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good and private rights against the dangers of such a faction, and at the same time to preserve the spirit and the form of popular Government, is then the great object to which our inquiries are directed. Let me add, that it is the great desideratum by which alone this form of Government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind."

If this doctrine were then to be collected from the history of the world, can it now be doubted, since the experience of the last twenty-five years? Go to France—once Revolutionary, now Imperial France—and ask her whether factious power or intemperate opposition be the more fatal to freedom and happiness? Perhaps, at some moment when the eagle eye of her master is turned away, she may whisper to you to behold the demolition of Lyons, or the devastation of La Vendée. Perhaps she will give you a written answer. Draw near to the once fatal lamp post, and by its flickering light read it, as traced in characters of blood that flowed from the guillotine—Faction is a demon! Faction out of power is a demon enchained! Faction, vested with the attributes of rule, is a Moloch of destruction!

Sir, if the denunciations which gentlemen have pronounced against factious violence are not merely the image of rhetorical pomp; if they are, indeed, solicitous to mitigate the rancor of party feuds; in the sincerity of my soul I wish them success. It is melancholy to behold the miserable jealousies and malignant suspicions which so extensively prevail, to the destruction of social comfort, and the imminent peril of the Republic. On this subject I have reflected much—not merely in the intervals stolen from the bustle of business or the gaiety of amusement, but, in the moments of "depression and solitude," the most favorable to the correction of error. For one, I am willing to bring a portion of party feeling and party prejudice, as an oblation at the shrine of my country. But no offering can avail anything, if not made on the part of those who are the political favorites of the day. On them, it is incumbent to come forward and set the magnanimous example. Approaches or concessions on the side of the minority would be misconstrued into indications of timidity, or of a hankering for favor. But, a spirit of conciliation, arising from those ranks, would be hailed as the harbinger of sunny days, as a challenge to liberality, and to a generous

contention for the public weal. This spirit requires not any departure from deliberate opinion, unless it is shown to be erroneous. Such a concession would be a dereliction of duty. Its injunctions would be but few, and, it is to be hoped, not difficult of observance. Seek to uphold your measures by the force of argument, not of denunciation. Stigmatize not opposition to your notions with offensive epithets. These prove nothing but your anger or your weakness, and are sure to generate a spirit of "moral resistance," not easily to be checked or tamed. Give to Presidential views Constitutional respect, but suffer them not to supersede the exercise of independent inquiry. Encourage instead of suppressing fair discussion, so that those who approve not may at least have a respectful hearing. Thus, without derogating a particle from the energy of your measures, you would impart a tone to political dissensions which would deprive them of their acrimony, and render them harmless to the nation.

The nominal party distinctions, sir, have become mere cabalistic terms. It is no longer a question, whether, according to the theory of our Constitution, there is more danger of the Federal encroaching on the State Governments, or the democracy of the State governments paralyzing the arm of Federal power. Federalism and Democracy have lost their meaning. It is now a question of commerce, peace, and union of the States. On this question, unless the honesty and intelligence of the nation shall confederate into one great American party, disdaining petty office-keeping and office-hunting views, defying alike the insolence of the popular prints, the prejudices of faction, and the dominion of Executive influence—I fear a decision will be pronounced fatal to the hopes, to the existence, of the nation. In this question, I assuredly have a very deep interest, but it is the interest of the citizen only. My public career, I hope, will not continue long. Should it please the Disposer of Events to permit me to see the great interest of this nation confided to men who will secure its rights by firmness, moderation, and impartiality abroad, and at home cultivate the arts of peace, encourage honest industry in all its branches, dispense equal justice to all classes of the community, and thus administer the Government in the true spirit of the Constitution, as a trust for the people, not as the property of a party, it will be to me utterly unimportant by what political epithet they may be characterized. As a private citizen, grateful for the blessings I may enjoy, and yielding a prompt obedience to every legitimate demand that can be made upon me, I shall rejoice, as far as my little sphere may extend, to foster the same dispositions among those who surround me.

SATURDAY, February 19.

Mr. LEWIS presented the petition of the Justices of the Peace in the District of Columbia, praying that the laws providing for the collection of small debts may be revised and amended, so as to prevent the numerous frauds committed on cred-

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itors.—Referred to the Committee for the District of Columbia.

Mr. WEBSTER presented a petition of sundry inhabitants of Concord, in the State of Massachusetts, praying that heavy duties may be laid on all spirits distilled from domestic materials, in order to prevent the consumption of articles of produce used in their manufacture.—Referred.

Mr. EPPES, from the Committee of Ways and Means, reported a bill declaring the assent of Congress to an act of the General Assembly of Tennessee, therein mentioned; which was read twice and committed to a Committee of the Whole.

Mr. EPPES reported a bill for the relief of Jas. Patton; which was read twice and committed to a Committee of the Whole.

On motion of Mr. EPPES,  
*Ordered,* That the Committee of Ways and Means be discharged from the consideration of the resolutions of the Legislature of Tennessee, presented on the 4th instant, and that they be referred to the Committee of the Whole to whom is committed the bill to authorize the Secretary of the Treasury to subscribe, on behalf of the United States, for seven hundred and fifty shares of the capital stock of the Chesapeake and Delaware Canal Company.

Mr. McKEE, from the Committee on the Public Lands, reported a bill giving the right of preemption in the purchase of lands to certain settlers in the Indiana Territory; which was read twice and committed to a Committee of the Whole.

Mr. TROUP, from the Committee on Military Affairs, reported a bill to provide for the widows and orphans of officers who shall die in the military service of the United States; which was read twice and committed to a Committee of the Whole.

Mr. LOWNDES, of South Carolina, reported a bill to authorize the President to cause to be built or purchased the vessels therein described.

[The bill contemplates the employment or building of any number of vessels, not exceeding twenty, carrying not less than 16, or more than 22 guns, if in his opinion the public service shall require it.]

The bill was twice read and committed.

#### CLAIMS OF MORAVIANS.

Mr. ROBERTS, of Pennsylvania, presented a petition of John G. Cunow, acting in behalf of the missionary concerns of the Society of United Brethren, commonly called Moravians, praying compensation for depredations committed on the property of the Indians, who had incorporated themselves into their society, by the army commanded by General Harrison, at the Moravian towns in Upper Canada.

Mr. ROBERTS moved to refer the petition to a select committee.

Mr. DESHA, of Kentucky, said that to his knowledge several Indians of the very tribe alluded to in the petition had been killed in arms against us, and therefore were not entitled to particular consideration. Their town had been destroyed it was true, and in his opinion very properly. This

tribe, Mr. D. said, had always been hostile; they had lived on the Muskingum and on the Sandusky, and had since removed to Canada; but had in all situations evinced hostility to us. He therefore moved that this petition lie on the table.

Mr. ROBERTS said he knew nothing of the circumstances of the case which this petition was intended to bring before the House. It was sufficient for him, to insure his attention to the petition, that the petitioner was a citizen of the United States, and acting in behalf of a respectable community; and he hoped, however much the gentleman might know of the facts connected with this case, he would allow it to take the ordinary course and be referred to a committee, in order to examine whether it was in the power of Congress, compatibly with justice, to afford any relief to the petitioners.

Mr. DESHA said the fact he had stated could not be questioned; but, as the gentleman wished to inquire into the circumstances, he had no objection to withdraw the motion to lay the memorial on the table.

Mr. McKIM, of Maryland, rose to renew the motion. He said it was much to be regretted that in the prosecution of the war any religious society should sustain a loss in its property, and particularly the United Brethren, who were generally a most inoffensive and well-disposed people. In the prosecution of the war, their town and property was represented to have been destroyed. But this property was within the settlements of the enemy, and exposed, according to the usages of war, to injury from an invading force. We also, said he, have had some villages destroyed; but none of our citizens, that I have heard of, have thought proper to petition the Parliament of Great Britain for remuneration for the destruction of their property; and if they had, it would be thought a curious procedure. At the conclusion of the war, some mutual indemnity might be provided for sufferers of this character; but until that time, and in any other manner, he did not believe the petitioners could obtain relief.

Mr. ROBERTS said he was still convinced of the propriety of referring this petition. The persons living in the towns destroyed were Indians, within the British jurisdiction, indeed located on lands ceded to them by the British Government, but not under its authority. They were attached to the Society of the United Brethren by its missionaries, and were entirely free and independent of the Canadian Government. In the late expeditions against the hostile Indians, their settlements had been destroyed; and he thought there could be no impropriety in inquiring, whether, consistently with justice, any indemnity could be allowed them.

The motion to lay the petition on the table having been withdrawn, it was referred to a select committee.

#### NATIONAL BANK.

Mr. TAYLOR, of New York, from the Committee of Ways and Means, reported a bill to incorporate the stockholders of the National Bank;



which was twice read, and committed. The bill is as follows:

A Bill to incorporate the stockholders of the National Bank.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a National Bank shall be established, and that it shall be held, and shall transact its business at the City of Washington, in the District of Columbia, the capital stock whereof shall not exceed thirty millions of dollars, divided into three hundred thousand shares, each share being one hundred dollars.

SEC. 2. *Be it further enacted,* That all such persons as shall, in the manner hereinafter provided, become stockholders of the bank hereby incorporated, shall be, and hereby are, ordained, constituted, and declared to be a corporation and body politic, by the name and style of "The President, Directors, and Company of the National Bank," and shall so continue, from and immediately after the passing of this act, until the first Monday in March, which will be in the year one thousand eight hundred and thirty-four; and by that name they and their successors shall and may, until that day, have continued succession, and shall be, and hereby are, made able and capable in law to sue and to be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and, that they and their successors may make, have, and use, a common seal, and may break, change, alter, and renew the same at their pleasure; and shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation: *Provided,* That the real estate which it may be lawful for the said corporation to hold, shall be only such as shall be requisite or necessary for its business, or the accommodation of any of its officers, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealing, or purchased at sales upon judgments which shall have been obtained for such debts, *And provided further,* That it shall not be lawful for the said corporation, directly or indirectly, to deal or trade in buying or selling any goods, wares, or merchandise, or commodities whatsoever, except bills of exchange, or gold and silver bullion, nor in buying or selling any stock created by any act of the United States, unless in selling the same when truly pledged by way of security for debts due to the said corporation: *Provided, nevertheless,* That nothing herein contained shall be construed to prevent the said bank from subscribing, at any time, to any stock or loan of the United States, and selling such stock again at pleasure, in any part of the world. And if the said corporation, or any person or persons for, or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandise, or commodities whatsoever, contrary to the provisions of this act, all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, and merchandises, and commodities in which such dealing and trade shall have been, one-half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered with costs of suit.

SEC. 3. *Be it further enacted,* That subscriptions for the said stock shall be opened and kept open by the appointment and under the direction of the board of

directors of the said bank, hereinafter named, at such times and places as they shall appoint, first giving public notice thereof for the space of thirty days, in at least eighteen newspapers, printed in different parts of the United States, and subject to such rules, regulations, limitations, and conditions, as shall be by them prescribed, until the whole amount of shares for which the subscriptions were opened shall be filled. And it shall and may be lawful for the President of the United States, at any time after such subscriptions shall be opened, to cause a subscription to be made to the stock of the said corporation, as part of the capital stock thereof, on behalf of the United States, to an amount not exceeding six millions of dollars; and that, for the purpose of paying for said stock, subscribed for as aforesaid by the United States, the bank shall loan the amount of subscription, at, and after the rate of six per centum per annum, payable quarterly, for so long a time as the United States shall hold the stock, unless they shall elect to reimburse the amount of said loan at an earlier period. That four millions of dollars of the said capital stock shall be reserved for the respective States, to be apportioned among them in the ratio of their representation in the House of Representatives of the United States, and that it shall and may be lawful for the Governor of each State, at any time within one year after the passage of this act, to cause a subscription to be made to the stock of said corporation, as part of the capital thereof, in behalf of the State of which he is Governor, to an amount not exceeding the amount to which such State is entitled to subscribe, such stock to be paid for in like manner with other subscriptions to the said bank, except that which shall be subscribed for by the United States, as aforesaid. That, if the whole sum of four millions of dollars shall not be subscribed by the States, in the manner and proportions above mentioned, the directors shall cause a new subscription to be opened for the residue of the said four millions of dollars, in the form heretofore directed for the original subscription.

SEC. 4. *Be it further enacted,* That the capital stock shall be paid up by instalments, at such times, and in such portions, as the board of directors may direct, they giving at least thirty days' notice thereof, immediately prior to requiring the payment of an instalment, in all the daily newspapers printed in Washington, aforesaid, in at least one newspaper printed in each State where subscription shall be made to said stock; and in case any subscriber or stockholder shall omit, neglect, or refuse to pay the several instalments, or any one of them, on his, her, or their stock, at the time appointed, as aforesaid, then, in all such cases, the board of directors, or a majority of them, shall have power, and are hereby authorized to forfeit all such stock for the use, benefit, and account of the corporation aforesaid.

SEC. 5. *And be it further enacted,* That, for the well-ordering, managing, and conducting of the stock, property, concerns, and affairs of the said corporation, the same shall be ordered, managed, and conducted by twenty-five directors, five of whom shall be appointed by the President of the United States, and by him changed at pleasure, and the residue shall be stockholders, and citizens of the United States, resident therein, to be chosen by the stockholders of the said corporation, in manner hereinafter provided for, which directors shall hold their offices for one year, from the first Monday of March in every year, and until others shall be duly elected in their places; and the

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said directors shall be elected on the first Monday of January, in every year, at the banking-house of the said bank, in the City of Washington, and at such time of day as a majority of the directors for the time being shall appoint, of which public notice shall be given by the said directors, not more than thirty nor less than ten days previous to the time of holding the said election, by an advertisement, to be inserted in all the daily newspapers printed at Washington, and in at least five of the other public newspapers printed in different parts of the United States. And the said election shall be held and made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy, subject to the restriction hereinafter provided; and all elections shall be by ballot; and, if it shall happen at any election that any two or more persons have an equal number of votes, then the directors in office at the time of such election, or a majority of them, shall, at their banking-house, in the City of Washington aforesaid, proceed to ballot, and, by a plurality of votes, determine which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number of directors. And the directors, so elected and appointed, shall be at liberty to take their seats at the board on the first Monday in March in each year, and shall, as soon as may be thereafter, form a board of directors at their banking-house in Washington, aforesaid, and proceed to elect by ballot one of their number, so elected by the stockholders, as aforesaid, to be their President; and, whenever any vacancy happens among the directors, so elected as aforesaid, from any cause whatever, the same shall be filled, for the remainder of the year in which it shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint: *Provided, however*, That there shall be no election for, or appointment of, directors, other than to fill vacancies, as aforesaid, until the first Monday of January, one thousand eight hundred and sixteen, and that in the meantime, David M. Clarkson, Jacob Barker, John Wells, Charles Wright, George Davis, Isaac Lawrence, William R. Gray, Thomas Hazard, junior, Guy Bryan, Chandler Price, John Sergeant, Manuel Eyre, James C. Fisher, Joseph Peace, James A. Buchanan, Isaac McKim, Robert Oliver, John Cox, John McKinney, John P. Van Ness, Richard Cutts, Robert Brent, John Tayloe, Walter Jones, junior, and Thomas T. Gantt, be, and they are hereby declared to be, directors of the said corporation; and they shall hold their offices until the first Monday of March, in the year last aforesaid, and until others shall be duly elected in their places; and the directors hereinbefore named, or a majority of them, shall, at their banking-house, at Washington, choose one of their number for their President. In all elections for President, Cashier, and other agents, and for such directors as may be necessary to fill vacancies, a majority of the directors shall vote; and absent directors may constitute any director, who shall personally attend, his proxy, to vote at such elections.

Sec. 6. *Be it further enacted*, That in case it shall at any time happen that an election of directors shall not take place on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day and in such manner as shall be prescribed by a by-law or ordinance of the said corporation for that purpose to be made.

Sec. 7. *Be it further enacted*, That each stockholder or stockholders, at elections, shall be entitled to vote according to the number of shares he, she, or they shall hold, in the proportions following, that is to say: for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; for every ten shares above one hundred one vote; but no State, person, copartnership, or body politic, shall be entitled to a greater number than thirty votes: *Provided*, That no stockholder, not a citizen of the United States and an actual resident therein, shall be entitled to vote at elections or otherwise, either in person or by proxy: *And provided also*, That no stockholder shall be entitled to vote at elections or otherwise on any stock, unless he, she, or they shall have held the said stock on which he, she, or they offer to vote, at least ninety days previous to such election or time of voting, and that such shares shall actually belong to a citizen or citizens of the United States of America.

Sec. 8. *And be it further enacted*, That not less than fifteen of the directors, for the time being, shall form a board or quorum, who shall have power to make and prescribe by-laws, rules, and regulations, not repugnant to the laws and Constitution of the United States, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation; the duties and conduct of the affairs of said corporation; the duties and conduct of the officers, clerks, and servants for carrying on the said business, and with such salaries and allowance as to them shall seem meet: and to procure such alterations in this act of incorporation as may be hereafter authorized by law; and that not less than five of the directors, for the time being, shall form a committee or quorum for transacting the business of the said corporation, pursuant to the by-laws that may be made by the board of directors, who shall have power to transact such business, pursuant to such by-laws, as may be prescribed as aforesaid, in such manner as to them shall appear needful and proper: *Provided*, That no director, other than the president, shall be entitled to any emolument for his services as director, but that the president shall receive such salary or compensation for his services as shall be agreed upon by a majority of the board of directors. And every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour.

Sec. 9. *Be it further enacted*, That no transfer of stock shall be valid and effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose by the directors.

Sec. 10. *Be it further enacted*, That the total amount of debts which said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed double the amount of the capital stock of said bank, over and above the moneys then deposited in the said bank; and in case of such excess the directors, under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being lia-

ble and chargeable for such excess; but such of the said directors as shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so created, shall not be liable.

SEC. 11. *Be it further enacted*, That the officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same, of the moneys deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statements: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

SEC. 12. *Be it further enacted*, That the corporation hereby created shall loan to the United States, over and above the amount loaned them for the payment of their subscription to the capital stock of said company, such sum or sums of money as may be required, so that the whole amount owing therefor by the United States to the said bank shall not exceed, at any one time, the sum of fifteen millions of dollars, exclusive of the money loaned for making the said payment; and for the amount of the said loan or loans the United States shall issue a transferrable stock, on the same terms and conditions as the loan for seven and a half millions was obtained, in pursuance of the act, entitled "An act authorizing a loan, for a sum not exceeding seven millions five hundred thousand dollars:" *Provided, however*, That all loans made to the United States by the said bank shall be fully paid and discharged, with the interest due thereon, at least one year before the time hereinbefore limited for the duration of this corporation: *And provided further*, That such incorporation shall continue until one year after such loans are paid, anything in this act to the contrary notwithstanding.

SEC. 13. *Be it further enacted*, That the said corporation shall not demand any greater interest for any loan or discount than at the rate of seven per cent. per annum; such interest payable in advance. And half-yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors advisable; and once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum subscribed by any person, copartnership, or body politic, the party failing shall lose the benefit of any dividend which may have accrued prior to the time for making such payment, and during the delay of the same.

SEC. 14. *Be it further enacted*, That the bills, obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their own name or names. And bills or notes which may be issued by order of the

said corporation, shall be binding and obligatory upon the same in like manner, and with like force and effect, as upon any private person or persons, if issued by him or them in his, her, or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by endorsement thereupon, in like manner, and with like effect, as foreign bills of exchange now are; and those which are payable to bearer shall be negotiable and assignable by delivery only.

SEC. 15. *Be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any bill or note in imitation of, or purporting to be, a bill or note issued by order of the president, directors, and company of the National Bank, or any order or check of the said bank or corporation, or any cashier thereof; or shall falsely alter, or procure to be falsely altered, or willingly aid or assist in falsely altering, any bill or note issued by order of the president, directors, and company of the National Bank, or any order or check on the said corporation, or any cashier thereof; or shall pass, utter, or publish, as true, any false, forged, or counterfeited bill or note, purporting to be a bill or note issued by order of the president, directors, and company of the National Bank; or any false, forged, or counterfeited order or check upon the said bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, as true, or attempt to pass, utter, or publish, as true, any falsely altered bill or note, issued by order of the president, directors, and company of the National Bank; or any falsely altered order or check on the said bank or corporation, or any cashier thereof, knowing the same to be falsely altered, with intention to defraud the said corporation, or any other body politic or person, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three years nor more than twenty years, or shall be imprisoned not exceeding twenty years, and fined not exceeding five thousand dollars; *Provided*, That nothing herein contained shall be construed to deprive the courts of the individual States of a jurisdiction, under the laws of the several States, over the offence declared punishable by this act.

SEC. 16. *Be it further enacted*, That the bills or notes of the said corporation, payable on demand, shall be receivable in all payments to the United States; and that after the present session of Congress no other bank shall be established by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged: *Provided, however*, That nothing herein contained shall be construed to prevent the renewal of the charters of any banks now incorporated in the District of Columbia.

SEC. 17. *Be it further enacted*, That if the corporation hereby created shall be dissolved by limitation of time or otherwise, it shall be lawful for the president and directors thereof, for the time being, to sue and be sued in any court or place by their corporate name, for and upon any cause, matter, or thing, arising previous to such dissolution, in like manner as they might have

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done if the same had not taken place; and also to sell their property, real and personal, and to divide the proceeds and all their capital among the several stockholders, rateably, according to their several interests in the same.

### THE LOAN BILL.

The House again went into Committee of the Whole, on the Loan bill.

Mr. GASTON, of North Carolina, concluded, in about two hours, his speech against the bill, and against the course of measures generally pursued under the Republican Administration, as given entire in preceding pages.

Mr. McLEAN, of Ohio, followed in an argumentative speech, principally against the doctrine of perpetual allegiance, as set up by the Opposition speakers. Mr. McL. spoke about an hour.

When the question was taken on filling the blank for the amount of the loan with twenty-five millions, and decided in the affirmative. Other blanks having been filled, the Committee rose and reported the bill to the House with said amendments; and the House adjourned.

MONDAY, February 21.

Mr. EPPES, from the Committee of Ways and Means, reported a bill making appropriations for the support of Government for the year 1814; which was read twice, and committed to a Committee of the Whole.

Mr. EPPES also reported a bill making appropriations for the support of the Military Establishment, for the year 1814; which was read twice, and committed to a Committee of the Whole.

Mr. EPPES also reported a bill making appropriations for the support of the Navy, for the year 1814; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. BOND, the Committee on the Judiciary were instructed to inquire into the expediency of requiring the judges in the Illinois Territory, appointed by the authority of the United States, to perform certain judicial duties required of them by the Legislature of said Territory, with leave to report by bill or otherwise.

The SPEAKER laid before the House the following letter:

WITHE, (V.A.) February 8, 1814.

SIR: For the information of the House of Representatives, or any committee of that House who may have under consideration either the manner in which the war has been conducted, or my conduct as an officer of the Army of the United States, I enclose to you documents, mostly originals, numbered from one to sixty-one, inclusive.

Should these papers be necessary to me for any purpose, at any time, no doubt they will be safe among the archives of the House of Representatives, and delivered, on application, to me or my order.

I have the honor to be, with all possible respect and esteem, sir, your obedient servant,

ALEX. SMITH.

Hon. LANGDON CHEVES, *Speaker, &c.*

After some conversation between Messrs. MILLER, FORSYTH, DESHA, and EPPES, as to the pro-

per manner of disposing of this letter, it was ordered to lie on the table for the present.

The House resumed the consideration of the resolution offered a few days ago by Mr. McKIM, contemplating an inquiry into the expediency of authorizing an annual report on the resources of the United States. The resolution having been amended, on motion of Mr. NEWTON, so as to refer the subject to the Committee of Commerce and Manufactures instead of the Committee of Ways and Means, was adopted.

On motion of Mr. EPPES, of Virginia, the Loan bill having been laid on the table for the purpose, the Treasury Note bill for 1814 passed through a Committee of the Whole, was verbally amended, and reported to the House.

Mr. HALL, of Georgia, was desirous to have these Treasury bills of such a description as to facilitate their reception among the farmers, to whom he said they would be more acceptable than any other money, because bearing an interest, &c. For this purpose, he offered as an amendment a new section to the bill, to the following effect:

*And be it further enacted,* That no one note or bill shall be issued for a larger amount than one hundred dollars, nor for less than five dollars; and, in all cases where said notes are held for a longer time than contemplated by this act, the holder or bearer of said note or bills shall be entitled to receive the same rate of interest per annum as allowed by this act.

This motion was negatived—ayes 25.

The bill was then ordered to be engrossed for a third reading, without debate or opposition.

### THE LOAN BILL.

The House then resumed the consideration of the report of the Committee of the Whole on the bill authorizing the loan for 1814.

Mr. YANCEY, of North Carolina, with a view to allow the discussion to progress with the same latitude as it had commenced, since it appeared to be agreed that it was not yet to terminate, moved to recommit the bill to a Committee of the whole House.

This motion was opposed by Mr. DESHA, of Kentucky, on the ground that it could be as well discussed in the House as in Committee. Besides, it had already been discussed nearly two weeks, and every subject but the loan had been drawn into debate; and, if the bill was retained in the House, it would be in its power to terminate debate by the previous question—a power not belonging to the Committee of the Whole.

The motion was advocated by Mr. EPPES, of Virginia, who said he did not believe the recommitment would delay the bill for a single hour, because the House would at any time have power to refuse leave to the Committee to sit on it again whenever it chose.

The question on recommitment having been taken by yeas and nays, was decided in the affirmative—For recommitment 77, against it 70, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bradbury, Brigham, Burwell, Ca-

perton, Calhoun, Champion, Clark, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Dewey, Duvall, Ely, Eppes, Findley, Forsyth, Geddes, Glasgow, Gourdin, Grosvenor, Hasbrouck, Hopkins of New York, Howell, Hungerford, Irving, Jackson of Rhode Island, Johnson of Virginia, Kent of New York, Kent of Maryland, Law, Lewis, Lovett, Lowndes, Macon, Markell, McKee, McLean, Miller, Montgomery, Moore, Moseley, Nelson, Newton, Pearson, Pickering, Pickens, Pitkin, Pleasants, Post, John Reed, Ringgold, Robertson, Ruggles, Sevier, Sheffey, Smith of New York, Stanford, Stockton, Taggart, Tallmadge, Tannehill, Telfair, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter and Yancey.

**YAYS**—Messrs. Alexander, Archer, Avery, Bard, Barnett, Brown, Butler, Caldwell, Chappell, Clopton, Comstock, Conard, Crawford, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Earle, Evans, Farrow, Fisk of New York, Forney, Franklin, Gaston, Goldsborough, Goodwyn, Griffin, Hale, Hall, Hanson, Hawes, Hubbard, Hufty, Ingham, Kennedy, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Lefferts, Lyle, McCoy, McKim, Oakley, Ormsby, Parker, Piper, Potter, Wm. Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Schureman, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Stuart, Sturges, Troup, Udree, Ward of New Jersey, Whitehill, Williams, Wilson of Pennsylvania, and Wright.

So the bill was recommitted; and the House resolved itself into a Committee of the Whole, Mr. PLEASANTS, of Virginia, in the chair, on said bill.

The question being then stated, on the rising of the Committee to report the bill—

Mr. YANCEY, of North Carolina, made a speech of more than an hour in length, in reply to the arguments and assertions advanced in opposition to the bill.

He was followed by Mr. GROSVENOR, of New York, on the other side, who had spoken but a short time, when the Committee rose, reported progress, and the House adjourned.

## TUESDAY, February 22.

Mr. HEMPSTEAD presented sundry resolutions of the Legislature of the Missouri Territory, respecting land titles and settlers on public lands in said Territory.

*Ordered*, That so much of said resolutions as relates to land titles, be referred to the Committee of the Whole House on the bill for the final adjustment of land titles in the State of Louisiana and Territory of Missouri; and, that so much as relates to a donation and pre-emption right to settlers, be referred to the Committee on the Public Lands.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting his report in relation to the banks and insurance companies within the District of Columbia, in obedience to a resolution of the 10th instant; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill "for the relief

of John Cahoone and others," in which they ask the concurrence of this House.

Mr. TAYLOR, from the committee for revising the militia system, made a report on the report of the Secretary of War, on the claims of the several States and Territories, for moneys advanced in calling into the service detachments of militia; which was read, and referred to a Committee of the Whole on Monday next. The report is as follows:

That the said claims amount to \$20,612 67; of this sum, \$3,035 58 appears to be claimed for pay and forage for officers and privates of the militia who have been regularly paid and supplied by the United States; \$6,558 93 for advances made on account to certain officers, without specifying for what purpose made, and without any evidence that the same has been accounted for; \$1,969 20 for provisions, rum, whiskey, &c., for officers and privates who were either furnished by the contractor with rations, or who received an allowance in lieu thereof, on the rolls, through the paymaster; \$997 12 for surgical instruments, medicines, and groceries for militia, without any evidence that there was necessity for any of the articles, or that such of them as must have remained on hand at the close of the expedition, were stored or kept for the United States; \$1,507 59 for blankets, mattresses, &c., for militia who received the regular allowance for clothing through the paymaster; \$2,574 27 for axes, pots, kettles, pans, canteens, and tents, without any evidence that at the close of the expedition the same were delivered over to the proper officer of the United States for their use; and the residue of the said sum is claimed for the services of officers not recognised by the laws of the United States at the time when the services were performed, and for forage furnished to them, for the services of expresses in carrying orders, for calling out the militia, and for mustering and inspecting the militia, which hitherto have been considered State expenses, and incurred accordingly, without expecting remuneration from the Treasury of the United States. The Committee, therefore, submit the following resolution:

*Resolved*, That the said claims ought not to be allowed.

## TREASURY NOTES.

The engrossed bill to authorize the issuing of Treasury notes for the year 1814, was read a third time.

Mr. HALL, of Georgia, moved to recommit the bill, with a view to introduce an amendment similar to that he had yesterday offered, changing the smallest amount of the bills to be issued to ten dollars instead of five.

This motion was supported by Mr. GOLDSBOROUGH, of Maryland, with different views, arising out of the latitude of expression of some provisions of the bill, and was opposed by Mr. EPPES, of Virginia.

The motion was negatived by a considerable majority.

The question on the passage of the bill was then decided by yeas and nays, as follows:

**YEAS**—Messrs. Alexander, Alston, Archer, Avery, Barnett, Beall, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Comstock, Conard, Crawford, Culpeper, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Fisk of

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New York, Forney, Forsyth, Franklin, Goldsborough, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Ingham, Irving, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kilbourn, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, Montgomery, Moore, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Roberts, Robertson, Sage, Sevier, Seybert, Skinner, Smith of Pennsylvania, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Williams, Wilson of Pennsylvania, Wood, Wright, and Yancey—83.

**NATS**—Messrs. Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Ciley, Cooper, Cox, Davenport, Davis of Massachusetts, Dewey, Ely, Geddes, Grosvenor, Hanson, Howell, Hufty, Jackson of Rhode Island, Kent of New York, Law, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Pearson, Pickering, Post, John Reed, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, White, Wilcox, and Wilson of Massachusetts—48.

### THE LOAN BILL.

The House again went into Committee of the Whole on the Loan bill.

Mr. GROSVENOR, of New York, in a speech of about two hours in length, concluded the speech which he had but commenced at the time of adjournment yesterday.

Mr. CUTHBERT, of Georgia, in a speech of near an hour in length, being the first he has made since he took his seat, replied to many of the arguments of Opposition.

Mr. FORSYTH, of Georgia, just before the usual hour of adjournment, commenced a speech in reply to some of the speakers in the minority.

When he had spoken about a quarter of an hour, the Committee rose, reported progress, and obtained leave to sit again; and the House adjourned.

### WEDNESDAY, February 23.

A bill from the Senate, "for the relief of John Cahone and others," was read twice, and referred to the Committee on Naval Affairs.

Mr. GOLDSBOROUGH submitted, for consideration, the following resolution:

*Resolved*, That the Standing Rules and Orders of this House be amended, so as to admit within the Hall of the House of Representatives, such gentlemen as have heretofore been members of the Cabinet."

The resolution was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill "to provide for the return, to their own districts, of vessels detained by the embargo, in districts other than those where they are respectively owned or belong," with amendments; in which they ask the concurrence of this House.

The report of the select committee, relative to the state of the Clerk's office of this House, passed through a Committee of the Whole, and was concurred in, and the Clerk authorized to employ an additional assistant clerk.

On motion of Mr. McKEE, the House then resolved itself into a Committee of the Whole, on the bill for the final adjustment of land titles in the State of Louisiana and Territory of Missouri, which was reported to the House with amendments, and was ordered to lie on the table.

On motion of Mr. HEMPSTEAD, the Committee on the Judiciary were instructed to inquire whether any, and if any what, alterations or amendments are necessary to be made to the act, entitled "an act providing for the government of the Territory of Missouri," with leave to report by bill, or otherwise.

### THE LOAN BILL.

The House again went into Committee of the Whole, on the Loan bill.

Mr. FORSYTH, of Georgia, concluded the speech which he commenced yesterday; which is given entire, as follows:

Mr. Chairman, every day's experience must have satisfied the gentlemen of the minority, that no opposition to this bill or to any other measure intended to give vital energy to the contest in which the country is engaged, can be successful here. Whence, then, arises this extraordinary display of industry and of ingenuity? Is it that they intend on this question to enter upon their defence for their irregular and unprecedented course pursued since the commencement of the war? In this view, the subject is indeed interesting—worthy of all the labor and all the talents bestowed upon it. To conduct it to a successful issue, will require a portion of industry never yet equalled—a degree of ingenuity never yet surpassed. In the brief examination of some of the topics of discussion, I wish it to be understood that my object is not to prove that the conduct of the Government has been correct; but to show that the opposition is not justifiable upon any of the principles assumed for its defence. The honor of the Government is not yet sunk so low as to require a labored defence of their measures at the bar of the public. The evidence has long since been exhibited to the proper tribunal; sentence of acquittal upon that evidence has been pronounced by the present generation, and more impartial posterity will but confirm the judgment.

Before I enter upon the examination of any of those arguments urged upon the great subject of the present contest, I will detain the Committee by a short reply to some observations very remotely, if at all, connected with it.

The gentleman from New York (Mr. SHERWOOD) expressed a hope that the report made by the committee appointed at the last session, to inquire into the spirit and manner in which the war had been conducted by the enemy, should sleep in oblivion on the shelf. It is sufficiently evident the substance or form of that report is unpleasant to the honorable gentleman—but why it has excited his displeasure he has not condescended to inform us. Can it be because it exhibits strong and irrefragable proof of the injustice of those fond eulogiums certain persons are in the habit of pronouncing upon the enemies of



their country? But, sir, the fact is mistaken by the honorable gentleman; that report is not yet in the grave of oblivion which has the honor to live in his recollection. If from any cause he desires it to pass away, he has misunderstood the means by which his wishes are to be accomplished. With the improvidence of the Ephesian magistracy, he has rendered immortal the memory of that object he intended to destroy. Another remark less equivalent in its character and more reprehensible, I will recall to the attention of the Committee. He said no valuable lives had been or could be lost in the present war, as no valuable lives would be exposed to its perils. Has the honorable gentleman so soon forgotten the manes of Lawrence, of Allen, of Burrows, of Claxton, and of Clarke, who nobly died on one element, asserting the rights and the honor of their country; and those of Pike, of Covington, and Backus, who expired on the other in the same righteous and holy cause? But this profanation of the ashes of the dead, is not greater than the injustice done to living merit. There are at this moment on the Northern frontier, in the armies of their country, gallant and virtuous men. Some of these are personally known to me, who in purity of heart, strength of understanding, extent of intellectual acquirements, and high chivalric honor, may proudly erect their crests by the side of the chosen Representative of the great State of New York.

The gentleman from North Carolina (Mr. GASTON) has recommended to the majority moderation, liberality, and forbearance. The advice was certainly excellent, but why was it confined in its application? Why not extended to the minority to which the honorable gentleman is attached? It is as necessary for them as for us, and probably would have been more acceptable, since it was given by their friend. But although we have the benefit of the gentleman's recommendation, we have not the benefit of his example. He has not shown either that moderation or that liberality in his strictures upon the majority, which he asks at their hands. It is true that his language is correct, gentlemanly, and polished. No harsh terms deform the smoothness of his periods. But what difference is there between a direct charge, and an allusion not to be misunderstood? The one is as offensive as the other. In the eye of reason it matters not whether the victim is struck down by the butcher's cleaver, or his blood drawn by a glittering Spanish blade. The first makes a more unseemly wound, but the latter is equally painful and not less deadly. If there is any difference, the latter weapon is more dangerous, because more difficult to elude. What means the dark insinuation, that now the majority could speak freely of the Emperor of France? Has there ever been a time when this majority could not speak freely of the French Emperor? If there ever was such a period in the history of this Hall, my memory does not reach to it. Since the kindness of the people of Georgia has permitted me to be its inmate, such a charge cannot be made with the shadow of propriety. The gentleman,

in the same spirit, remarks that he no longer fears the alliance formerly so dreaded—persons are not in the habit of forming connexions with their falling friends. I have too much respect for the correctness of his understanding and the generosity of his affections, to believe he expresses his own ideas of friendship. This cold, calculating, and odious opinion is imputed to the majority of this House. It is for them this worldly sentiment is expressed. It is the majority who are represented as shrinking from the contact of misfortune, as from the touch of pollution. Sir, the charge is unjust. The friendship of the majority, if they have any, and all bodies of men feel the divine emotion, is as pure as that of the honorable gentleman or of the party with whom it is his pride to act. It has the true quality of all pure affection—like the ivy to the ruined tower, it clings more closely to its object as it totters in the blast of adversity. I am not to be understood as admitting that any such attachment exists or ever did exist to the cause of France; nor do I consider it necessary to deny the influence she is said to have in our councils. That charge the enemies of France do not believe—the charge which is condemned by all the respectable statesmen in Great Britain, which is confined to the groundlings of the British Parliament, and to a portion of the minority in this country, is not sufficiently respectable to require serious refutation. It is singular that the enemies of the United States think more favorable of the impartiality of the Administration than its political opponents.

The passage of this bill is resisted on the same beaten grounds which have been occupied on all other questions relative to the war. The injustice of the contest in its commencement—the injustice of continuing it after the repeal of the Orders in Council—the impracticability of effecting the objects for which it is carried on. That there was sufficient cause of war against Great Britain, I have not heard denied. In this assembly, at least, I presume there cannot be found an individual whose understanding is so thoroughly perverted, whose heart is so perfectly corrupt as to believe that Great Britain has done us no essential injury. But while sufficient cause of war is said to have existed, while great injuries are admitted to have been committed, and were daily accumulating, the war is still affirmed to have been relatively unjust. Ask for the evidence of this relative injustice, and the answer you receive is a torrent of declamation against the Corsican usurper, the violator of the honor and integrity of nations. Describe the injuries and enormities of England, and your attention is invited to the insults and aggressions of France. There are in this community singular politicians who conceive the injuries and insults of France and England, like the equal quantities in the calculation of algebraic fractions, as of no other use than to extinguish each other. For my part I do not understand this political algebra. I rejoice that I do not. On this subject ignorance is virtue and knowledge crime. I will not detain you by any attempt to show the variance in magnitude of

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the injuries received from the two nations. I will not inquire which of the two commenced the systematic violation of the rights of neutral commerce. It is perfectly indifferent how the account stands on this question. Admitting them to be equal in time and in degree of enormity, the aggressions of one Power are no justification of the encroachments of the other. Indeed, every attempt on the part of our Government in their correspondence with the Ministers of the two belligerents to discuss these questions was degrading—only to be excused from the purity of its motives, the love of peace. A more refined and specious argument is used to prove this relative injustice, drawn from the nature of the contest in which England was engaged; she is represented as fighting for their existence; and any injuries incidental to the measures adopted by her in the prosecution of this cause ought to have been borne without repining by neutrals whom she did not intend to injure. I have yet to learn the difference between British and French ambition. I have not yet seen, and the history of latter times does not show, the evidence of the justice of the cause of Great Britain. The simple statement of the dispute between the rival Powers is, that France, not satisfied with stretching her giant arms over the continent of Europe, desired to partake of the dominion of ocean. Great Britain, riding triumphantly on the mountain wave, wished her power and influence to extend to the centre of the Continent. In the desire of lawless power; in the perfect disregard of the morality of the means by which these ends were to be accomplished, a feather will turn the balance between them. The means of effecting their objects were easily found. France, having no power on the ocean, was contending for the liberty of the seas. England, destitute of Continental influence, was contending for the liberty of the Continent. In the prosecution of their darling project, armies covered the Continent until their march was stopped by the barrier of Russian steel. England by her naval superiority has reduced all the valuable colonial possessions of the Continental Powers, and is now in the quiet enjoyment of the bloodless conquests. In the increase of the means of sustaining the contest, England had far exceeded France at the commencement of the first campaign against Russia. The true interest of the United States was that the two rivals should remain in the same state, or that the overgrown power of each should be lessened. There is nothing in the cause of either that demanded our sympathy or claimed our forbearance. But we are told that the naval supremacy of Great Britain is necessary, not to her preservation alone, but to the preservation of the liberties of the world. It was the only barrier to the universal dominion of the Corsican. Europe would first be desolated by his legions, and then we should have been swallowed up in the vortex of his ambition. I will not deny the necessity of naval superiority to the safety of Great Britain, although such denial is made by some of her own politicians; but modern experience has shown

that the march of the destroyer may be stayed on the land without the assistance of her naval force. What services were rendered at Moscow by her naval armament? How did it promote success at the battles of Leipsic and of Dresden? Neither troops nor any of the means of annoyance were prevented from reaching the scene of action from France; nor could this naval Power afford facility to the transportation of any of the muniments of war to the allied Powers. Sir, it must require something more than the folly of dotage to assert it was necessary; to prove it is impossible. The talisman of French invincibility was broken by other and by nobler means. The generous spirit of patriotism, excited into enthusiasm by the invasion of his native land in the rugged Russian, first crippled the giant. The perfect union of the allies, pressed together by the might of their fears, will, if governed by true policy, confine him to his ancient cell. That British naval supremacy is necessary for the security of the United States is a libel upon the virtue and valor of this people. The people of these States hold the precious inheritance of their forefathers by a nobler tenure and a better title. They hold it as a grant from Heaven, purchased by the generous blood of the purest men the world ever saw, never to be relinquished while a drop of that is found in the veins of the existing race. The invaluable blessings secured by the valor of our ancestors would cease to be dear, if they depended upon any Power for their preservation but that of the Divinity.

[The House then adjourned. On the following day, February 23, Mr. SHERWOOD, of New York, explained the remarks to which Mr. FORSYTH alluded yesterday. He did not say no valuable lives had or would be lost in this contest; but that the numbers would not be great, as there were few exposed to its perils.]

Mr. FORSYTH said, I certainly understood the gentleman to express the sentiment imputed to him; I rejoice, however, that he has corrected this erroneous impression; although I cannot admit the propriety of the remark he has made, it is certainly much less reprehensible than the one I believed had escaped his lips. I ought perhaps, Mr. Chairman, to apologise to the Committee for occupying a moment of their time in the serious discussion of the claims set up by Britain and some of her apologists in this country to the protectorship of the religion and the liberty of the world. A claim contradicted by all past history and by the events daily passing before our eyes. The delusions of self-love may palliate or excuse the weakness of such a belief in the subjects of Great Britain, but we look in vain for the means of palliation or excuse to the American believers of this egregious folly. I am not so totally ignorant of the human heart as to believe that any observations will have any effect upon wilful credulity. You appeal in vain to the reason and feeling of men who are not convinced of the existence of facts by plain and palpable evidence. You may as well "whisper soft nonsense in dead beauty's ear." All the avenues to conviction are

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blocked up by malignant prejudice. Ambition sits brooding like an incubus upon their bosoms, stifling the feeble wailings of reason and the stropger cries of public virtue. It will require the miraculous intervention of Divine goodness to correct their errors and reform their hearts—a miracle whose example is not to be found in the history of religion. It is indeed recorded that the interference of Divinity once poured the light of Heaven on the dark eye of the blind; but it is not recorded that omnipotent power ever shed the light of truth upon that orb which was wilfully closed to prevent the admission of its rays. But the days of miracles are past; reason is our only guide, and those who abandon her direction must be left to the punishment of their disobedience. To convince them is impossible; they will die in their sins, “unanointed and unannealed,” condemned by the present race, and execrated in future times. It may be asked why should arguments be answered or a reply attempted on a subject on which the evidence is full and the mind already satisfied. These things have been gravely urged, and have proceeded from high authority. The honorable members of the minority who have expressed these sentiments have not the honor of originating them. They first issued from the lips of the Executive Magistrate of the ancient and extensive Commonwealth of Massachusetts. To him belongs the high honor of discovering that Britain was the preserver of human liberty, the bulwark of our religion. Observations proceeding from such sources deserve examination, and if there was no other reason for this examination, I would make it to prevent a repetition of the boast of a gentleman from New York, (Mr. GROSVENOR,) applied to other arguments of equal weight, that they had been urged and had not been met. These have been urged and I shall treat them as they deserve. To what period of the history of her Government are we to look for the evidence of her anxiety to preserve or perpetuate the blessings of civil liberty, or to extend that religion which teaches peace on earth and good will to man? I speak of the Government and not of the people. Like all other great and wealthy nations the dark page of her history is but a record of human turpitude, occasionally illuminated by brilliant actions and adorned by the services of virtuous men. Eternally struggling for a remnant of liberty themselves, the people had neither leisure or inclination to assist other nations in a similar conflict. Mingling in the turmoil of Continental warfare, the object has been to preserve the possessions of the Crown, or to assist some of their ambitious allies to plunder the surrounding nations. Her religion has been a source of dreadful persecution. The stake and the fire were the portion of the Catholic and the Protestant, as the religion of their monarch changed. It must not be forgotten that the reformation of religious abuses in England owed its success to the adulterous love of the tyrant Henry, the defender of the faith—he preferred the roses on the cheek of beauty to the consecrated rose of the Pope. Refining upon

the cruelty of Procrustes, he burned with the same faggots him who believed too much and him who believed too little. But we may be told that it is in modern times that these new crusaders have commenced their holy warfare. In what portion of her extensive Empire are we to look for the proof? Ask the unhappy inhabitant of the peninsula of India whether his condition has been rendered happier, his religious opinions purified, by the humanity and magnanimity of Britain. If his virtuous indignation at the insulting inquiry will permit him to answer, he will point to the desolated fields of his once terrestrial paradise; he will recall to your remembrance the period not long passed when the air was filled with the cries of his unhappy countrymen dying of famine from the accursed avarice of these lovers of the human race; when the tide of the Ganges and the Burampooter, swollen with putrid carcases, rushed more wildly to the ocean to hide their polluted streams in the interminable wave. But these crimes are no doubt amply atoned for by subsequent benefits and the substitution of the pure system of our religion for theirs. The oppression has only become systematic, but it is oppression still. The pagoda of the Brahmin may have been levelled to the earth, but the temple of Jesus has not risen in its stead.

The distant region of India may not be considered as the proper sphere for the exertion of the energies of Government in favor of religion and liberty. Nearer home, within the immediate influence of its authority, no doubt religious purity and civil liberty are to be found in full perfection. Ireland furnishes the commentary upon this text. The Catholic Irishman who dares to offer up his sacrifices to Heaven on an altar of a form different from the one prescribed; who approaches the throne of grace in a manner most consonant to his own ideas of the divine nature; is marked as an outcast from society, not indeed to be the victim of sanguinary cruelty, but as one to whom no political power is to be intrusted—is deprived by statute even of the privilege of shedding his generous blood in defence of his beloved Erin. Modern times exhibit no instance of such inconsistency as that afforded by England, who, professing to defend the Catholic faith in Spain and Portugal, makes it the cause of the most degrading distinctions among her own people. The Spaniards and Portuguese who die in battle are heroes and martyrs—the Catholic Irishman lives a bigot and a slave. But, sir, I would ask, what is meant by our religion? The Constitution of the United States knows no such terms. The object of our Government is to regulate the relations of man as a member of the society of men. It presumes not to interfere between the Creator and the created. It gives unto Cæsar the things that are Cæsar's—it leaves unto God the things that are God's. Perhaps we may be told that it is the Christian faith that is to be preserved from destruction. Is it the faith prescribed by the sycophantic Parliament of Henry, or is it the pure faith of the Christian, by whatever sect or name it may be known? The same

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doctrines taught by their divine author are independent of and above all temporal power. True piety, like the humble taper of the peasant's cottage, throws light and cheerfulness around its tenement of clay. He who possesses it asks and needs no earthly support. His hopes, his consolations, and his dependence, are on "another and a better world." If by our religion is meant that Phariasaical spirit which prompts its votary to set up exclusive claims to morality and virtue, which sends them even to the throne of mercy with proud thanks that they are not as other men are, the sooner its destruction is accomplished the greater will be the benefit to the human race. If this spirit of religion deserves to be supported by human power, Jesus of Nazareth was an impostor and a knave, and Mahomet the true prophet of the living God.

The atrocities of the present war are of themselves sufficient to produce conviction on minds, ordinarily constituted, of the perfect disregard of the British Government to religion and humanity. I will not detain you by any detail of these enormities. I do not desire to excite resentment or inspire detestation by a recital of the barbarities which have been committed in different parts of the Continent by the armies and allies of England. But we may inquire how far religious Governments can be justified in employing the means of defence and offence, which involve in their destructive progress the man, the woman, and the infant; which spares neither age, sex, or condition; which riots with equal joy on the spoils of the armed enemy or wounded prisoner. We are told by the gentleman from New York (Mr. GROSVENOR) that the employment of the Indians was justifiable—that he would have adopted the same means. The state of war is certainly a destruction of the ordinary rules which govern nations in their conduct to each other. Even this state, however, has rules which generous nations implicitly obey; rules violated by the employment of a force whose destructive effect cannot be controlled. The effect of the employment of this species of annoyance had been proved by past experience. During the Revolutionary war it was denounced in the Parliament of Great Britain as destructive and odious. Modern improvements are visible on this subject. In England at this day it is matter of boast and joy that the red man mingles in battle by the side of his white friend. The imagination is delighted by the picturesque effect of the tomahawk darkening by the side of the glitter of the bayonet—by the rude dress of the savage viewed in conjunction with the splendid costume of the disciplined soldier. The groans of the scalped victim are no longer permitted to strike upon the ear—it is delighted by the dramatic effect of the yell of the savage filling the air, in combination with the shout of the civilized barbarian. I envy no man's feelings who can believe the employment of an Indian force justifiable. The conclusion, however, may be drawn without the fear of refutation, that it is not an evidence of the regard of Christianity in those who adopt it.

We are informed by an honorable gentleman from Massachusetts, that our sympathies for Spain ought to have prevented the declaration of war: Spain, fighting in a cause holy and sacred as the cause of our own Revolution, was injured by our attempt to resist encroachments upon our rights. There is no man who does not wish success to the Spaniards. But, sir, when we are called upon to make sacrifices and submit to injustice on their account, it becomes necessary to examine the nature of the contest and the probable consequence of the success of the parties engaged in it. What is that cause, which has been compared to our Revolutionary struggle? It is the cause of pride, not of principle. Pride, which having its foundation among the generous feelings of the human heart, may inspire admiration and excite sympathy, but which is rejected by reason. The memorable siege of Saragossa was sustained, the immortal Palafox died, not to extend or preserve the liberties of the people, but for the paltry privilege of choosing the puppet who was to sit upon the throne. At the commencement of the memorable struggle Spain was as completely governed by French councils as if she had been an integral part of the Empire. All her resources were at the command of the Emperor. Napoleon might give greater stability to his power, but immediately he was to gain nothing by the change of Kings, but the gratification of his family pride. Wonderful and important controversy, whether the descendant of a Frenchman or a Corsican should sit upon the throne, whether the political automaton should be of the ancient or the new dynasty, a Bourbon, or a Bonaparte; of a family whose ancestors had usurped power in times long past, or of one who had grasped it with their own hands in the present days! And what was the consequence of the struggle which ensued? The resources of Spain became the property of Britain; no other effect was produced than a change of masters. What difference between the dominion of one or the other Power? The people obtain no privileges and the United States derive no benefits. To us it cannot be important, whether the wires are moved by an English or a French juggler; whether the despatches of Spain are issued by Castlereagh or Bassano. The comparison of this with our Revolution, is odious and unjust profanation to the ashes of Washington and his contemporary patriots. The American people fought for their own privileges—the Spaniards for the privileges of their rulers. Our fathers fought for the right of self-government; for freedom, political and religious; they for the choice of the foot which is to trample on their necks. The principles of our contest seem to be as little understood as the limits of Constitutional opposition. In the cause of Great Britain, in the situation of the world, in the affairs of the Peninsula, there was nothing to demand or require our forbearance to seek redress even for incidental injuries. But were the Orders in Council really intended to injure France, and France only? Far from it. The decrees, of which they pretended to be

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retaliatory, were inoperative and useless. It was the boast of the British Government that they were futile and impotent. No, sir, the object of this system of retaliation upon France, was to foster British at the expense of neutral commerce. The pretence to cover this object was the decrees of France. Flimsy, indeed, but still sufficient for a Government which desires to cover, if it does not conceal, its real intentions from the public view.

I will not turn to the dog-eared volumes of the public documents to show the correctness of this position; I will rely upon the declaration of two persons of great authority on this subject—Perceval and Castlereagh. I might repeat the idea expressed on a former occasion by a gentleman of New York, that the admission of your adversary is the best evidence of the existence of any fact which is sought to be proved. In 1807, Mr. Perceval recommended this system to the then Ministers, and was seconded by Lord Castlereagh. Mr. Perceval said:

“You might say that no goods should be carried to France except they first touched at a British port. They might be forced to be entered at the custom-house, and a certain entry imposed which would contribute to enhance the price and give a better sale in the foreign market to your commodities.”

The object is here distinctly avowed: it is not to injure France, but to give a better sale to English commodities in foreign markets by diminishing the fair gains of neutral commerce, by levying a tax upon neutral vessels in British ports. What was the pretext? Gentlemen may say, our submission to French encroachment. Such encroachments had not been made on our commerce, or, if made, were not known in this country at the time the first order was issued. Lord Castlereagh, in the debate already alluded to, shows that a pretext could be found whether we were included in the operation of the French decrees, or were specially excepted from their effects. I will use his own words. Speaking of the decree of Berlin, he says:

“Since the publication of this decree, which had at first been general as to all nations, some communications had taken place between the American Minister in this country and the French Government, in consequence of which some practical relaxation of the decree had taken place. This was one ground why we should look upon America with jealousy; it was an *aggravation* that she had by a secret understanding with the French Government contrived to take her shipping out of the operation of the decree that was at first general.”

Our submission to a decree which did not affect us—a decree admitted to be useless—was sufficient to justify retaliation; being exempted from its practical effect, was an aggravation which justified the same system! Is it unfair under these circumstances to conclude that these orders would have been issued had the decrees of France never existed? Some other pretext equally plausible could have been imagined, and would have been defended here. We are not at this day to learn that the real motives of the acts of that

Government are as opposite to those avowed as Heaven is to Hell. True to their principles, Perceval and Castlereagh were no sooner admitted into the Ministry than the plan previously recommended by them was acted upon. What was their theory out of Administration was their practice in it. The order of November was substantially what had been pressed upon the former Ministry when America was exempted from the operation of the French decrees. It may be imagined that this plan was bottomed upon some alleged submission to the decrees, or the aggravation of an exemption from their effect. In the debate on the subject of the orders of November, instances of the execution of the French decrees are indeed mentioned, but they are confined to the countries subject to French arms. The occurrences at Hamburg are chiefly relied upon. But what is conclusive upon this point is, that they were persisted in after the excuse was taken away. Canning, in 1812, said the Orders in Council had lost their retaliatory character, were no longer to be justified upon the principles upon which they were issued. What said the Minister? His answer is to be found in the letter of Mr. Russell in March, 1812. The language of the British Minister here, corresponding with that answer, extinguished all hope of avoiding a contest; we were told in language not to be mistaken, that these violations of the rights of the nation would continue until neutral commerce was placed by France on its ancient footing; until the continental system was abandoned. Under these circumstances what was the duty of the Administration of a free people? Continue to endure and to complain? To restrict commerce and to threaten vengeance; to pursue the “tinkering” system, or to resort to arms? On this subject, hesitation would have been criminal. Honor, justice, and generous policy, pointed out the course to be pursued, and their commands were obeyed. Why was England selected? The answer is at hand. With her all hope of redress by negotiation was at an end. With her adversary expectation was still alive. Faint indeed was that expectation. The progress of our negotiation had been artfully, infamously, if you please, retarded; but the Administration, as in its conduct to Great Britain, clung to the hope of finally effecting their just objects without a resort to arms. If in our intercourse with these two Powers a stronger language and a bolder tone had been used, I confess my satisfaction would not have been diminished. But in Governments as with individuals; the form is nothing when the substance is preserved. There was, however, another cause of war. The impression of our seamen, native and naturalized. We are repeatedly told, emphatically told, that Great Britain does not claim the right of impressing native Americans. It is true she does not claim the right, she only persists in the practice. No great injury is said to be done by a few errors on a subject on which to avoid error is next to impossible. The American impressed is discharged when he proves his nativity. The opinion of a

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foolish midshipman or a surly officer is evidence sufficient to make an American a sailor of His Majesty. Evidence authenticated and formal can alone, after a process of years, restore him to his country. I say nothing of the hardships he endures during this purgatorial probation. It is enough for him to know and feel that while his countrymen are free he is a slave. It has been urged on this subject that the *habeas corpus* act afforded the means of relief. Of all arguments this is the most supremely ridiculous. The *habeas corpus* act to relieve a sailor shifted from vessel to vessel, and clime to clime! To-day at Cape Horn, to-morrow at the Cape of Good Hope; at one time scorching under a tropical sun, at another freezing in the polar regions. Even if within the reach of such relief, how is he to procure the necessary evidence? This is worse than mockery. But where is the difference between native and naturalized seamen? They are equally bound to obey the laws of the United States; they are entitled to the same protection. The Constitution authorized our naturalization laws, and the Government is bound by every obligation of honor and justice to protect those who have been incorporated into our political society, even though they may have had the good fortune first to see the light in the dominions of a King. It is not now a question whether the laws on this subject are dictated by sound policy; the only inquiry is, what is the duty of the Government to persons thus circumstanced. The first great duty is that of protecting their persons. There is no escaping from the force of this obligation without disgrace. The impressment of seamen was specially stated as cause of war, not to swell the list of imaginary grievances, not to blacken the character of our adversary, as has been suggested here, but as a ground of serious complaint, a practice affecting the vital principle of independence. The doctrines contended for by the Government have been called novel doctrines, and to deeply damn them they have been called French doctrines. It is said that the idea of France that a vessel is a floating colony is adopted here. I will not detain the Committee by an attempt to show that this doctrine is not of the present day, or to express my contempt for this or any other instance of our exertion to excite prejudice, when reason only ought to be addressed. But I will show that this doctrine is as old as the Government of our country. The first President, whose name I cannot pronounce without reverence, General WASHINGTON, contended for the doctrine that the flag of the United States should cover and protect all those who sailed under it, with the exception of enemy soldiers or deserters. Mr. Jefferson, in 1792, under the direction of the purest and most virtuous Chief Magistrate ever given by a kind Providence to a grateful nation, writes to Mr. Thomas Pinckney—"The simplest rule will be, that the vessel being American shall be evidence that the seamen on board her are such." The same rule, almost in the same words, is suggested to Mr. King in 1796, with this addition, that "humanity

as well as interest powerfully plead for its establishment, at least on the high seas." This rule covers seamen of every class, not as an unforeseen consequence, but an effect intended to be produced. Government then insisted that their flag should protect native Americans and naturalized Americans, originally British subjects. It demanded still more, that it should protect British subjects not naturalized. In the letter already quoted is to be found the following passage. After enumerating the persons about whom there could be no dispute, Mr. Pickering writes:—

"The fourth class consists of British born subjects; but who or many of whom may have become citizens subsequent to the Treaty of Peace, or who hereafter may be admitted to the rights of citizens. It is this class alone about whom any pretence of right to impress can be made. With regard to these, it may be attempted to protect them, as well in time of war as of peace, in the following cases: First, when they shall have served in American vessels public or private for the same term in which foreigners serving in British vessels would acquire the right of British subjects, which is understood to be three years; or, secondly, if so much cannot be obtained, when these persons originally British subjects shall have resided five years in the United States, and been formally admitted to the rights of citizens according to our laws."

I pass over the intermediate correspondence on this subject to the letter of a man who stands at the head of the party called Federal in the United States, to whose intellectual energy no praise can do justice; whose authority will not be disputed by a party who feel and acknowledge his superior endowments. In his letter to Mr. King of the 20th of September, 1800, the Chief Justice, then Secretary of State, says:

"The impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and honor of the nation." "The right to impress those who were British subjects has been asserted, and the right to impress those of every other nation has not been disclaimed; neither the one practice or the other can be justified."

"The United States require positively that their seamen, who are not British subjects, whether born in America or elsewhere, shall be exempt from impressment."

"The case of British subjects, whether naturalized or not, is more questionable; but the right to impress them is denied. The practice of the British Government itself may certainly, in a controversy with that Government, be relied on. The privilege it claims and exercises ought to be ceded to others. To deny this, would be to deny the equality of nations, and to make it a question of power, and not of right."

These are the doctrines of former times, and nothing further has been claimed by the present Administration. Revile your Chief Justice; abuse former Administrations for these attempted innovations of the law of nations; go to the tomb of Washington and upbraid his sacred ashes for these French abominations. Living, he did not escape the charge of French influence; why should he be spared when dead? You cannot upbraid the present Administration for these claims, without including in your reprobation



those who gave them birth. It is said that the impressment of our seamen was not of itself sufficient cause of war. I do not pretend to assert that war would have been declared had this been the only cause, but that it would have justified the declaration cannot be questioned. A practice which produces injuries of known magnitude, which deeply afflicts the feelings and the honor of the nation, is certainly justifiable cause of war. This war may have been impolitic and premature in its declaration, from the want of preparation or any other cause, but no one can shelter his opposition to any measure necessary for its prosecution, under the plea of its injustice, without forfeiting his claims to public respect.

The second ground of excuse or justification used is, that it was unjust to continue the war after the repeal of the Orders in Council, alleged to have been the *only cause of war*. This allegation is denied. These orders were not the only cause of war. Without attempting to show the policy and necessity of settling all the points of dispute, I will examine how far Great Britain exhibited a disposition to do us justice in her act of repeal. An indifferent spectator of such a contest between two nations, when told that the injuring party had given the strongest proof of her good faith and love of peace, would conclude that the injustice complained of had ceased; that ample security was provided against a repetition of the injury, and remuneration for that already inflicted was offered or made. How is the fact? The very act of repeal asserts the justice of the system; insists upon the right of again resorting to it if necessary; affects to confer a favor by its suspension of abandonment. Where was the security against future and similar aggressions? Where was the remuneration for the millions of American property poured into the royal coffers as droits of the Admiralty? Will it be pretended that this remuneration is not to be expected? Will gentlemen who rave about the millions imperially plundered from us by France, quietly surrender to Great Britain the royal portions which have been most iniquitously condemned in her Courts of Admiralty? They ask at the hands of the Administration an account of the property seized under the decree of Berlin, Milan, and Rambouillet. The Administration demand restoration from France, and this demand would have been made, although her banners had floated over prostrate Russia, although her imperial eagles had been planted on the walls of St. Petersburg. We look for the same justice from both these nations. Perhaps the Minister, Admiral Warren, was vested with full powers to supply these deficiencies;—he who came to heal our divisions, to afford our Government a glorious opportunity of stopping the effusion of human blood. He came to inform us that the Orders in Council were repealed; to propose an armistice. If accepted, was he to arrange the subjects of dispute between the two nations? Nothing like it. To arrange with the Secretary of State “as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from

the waters and harbors of the United States.” This, and this only, was his errand. Ample atonement had already been made by the repeal for all our injuries of every description and character. Nothing further was or could be expected, and this is the glorious opportunity lost by the Administration; this is what is called by the Legislature of Massachusetts, in their celebrated remonstrance, the signal proof of the good faith and disposition to peace of the British nation. But this repeal was not even a compliance with the promise of her Ministry. They promised an absolute revocation of their Orders in Council whenever the decrees were, by an authentic act of the French Government, publicly promulgated, repealed. When this authentic act on the part of the French Government, which had been shamefully withheld or fraudulently antedated, was promulgated, they comply with their promise by a repeal in June, which was to take effect in the August succeeding. What was the reason of this procrastination to do justice; of this violation of their engagement? The events which have since occurred in the North of Europe point with unerring certainty to the cause. France and Russia were disputing about the continuance of the continental system. The Deliverer had not yet determined to deliver himself from the iron grasp of the Imperial Corsican; he had not yet resolved “to set his crown upon a cast and stand the hazard of the die;” before August these facts were to be ascertained. Is it a strained or unfair conclusion to draw from these premises that these circumstances were hoped for? If they occurred, the system could be continued; if they did not happen, it was to be suffered to here expire.

The Administration of this country, which has been represented as plunging the nation unnecessarily into this war; which is represented as seeking for unauthorized excuses for continuing it, overlooked all these evidences of injustice, and considered the overture of Admiral Warren as made in the spirit of peace, and by a Minister having full power to arrange all the matters in controversy. They did not demand, as has been represented here, the abandonment of the right of impressment as a preliminary to negotiation; they demanded the suspension of the practice during the proposed cessation of hostilities. This was, to be sure, a most outrageous and unjustifiable demand. The war which prevented this practice was to cease, and this practice was to be resumed and exercised, because the Orders in Council were to cease in August, if it pleased the Prince Regent. Yet this demand is considered as an unequivocal proof of the bad faith of our rulers, and their disposition to feast on the bloody banquet, by those who see in the conduct of Great Britain signal proofs of her good faith and disposition to peace. An honorable gentleman from Connecticut, (Mr. PIRKIN,) addressing you on this subject, has said that the high claims of the Government are now abandoned, now the matter is to be arranged. By an arrangement, the gentleman understands the rights contended

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for are surrendered. This is certainly a new discovery in the diplomatic science. Heretofore, I had understood, that whenever the rights or the claims of independent nations clashed, the only mode was an arrangement, which was understood to give to each the rights it respectively claimed, or such a relaxation on each side as to prevent future collisions in their exercise. It seems the superior experience of the gentleman has discovered that this is not the effect. But if an arrangement is a surrender of right, and such an arrangement is made, Great Britain, a party to it, must abandon her claims; and this, we are told, will never be done. In the letter of Mr. Monroe to Admiral Warren, which has been frequently quoted as affording evidence of the desire of the Administration to continue the war, this cabalistic word arrangement, which it seems is synonymous with abandonment of our claims, is used, and the basis upon which it can be made is suggested.

Either the Administration was then prepared to abandon a right for the sake of peace, or they are not yet prepared to surrender it. I leave the choice to those who have involved themselves in the contradiction of such unwarranted assertions. The conduct of the Administration has been uniform and consistent. They asked of Admiral Warren what is still asked at the hands of the British Government; what must be granted at the risk encountered of continuing the contest for one hundred years.

I come now, sir, to the last and most extraordinary ground assumed by the minority—the impracticability of attaining the objects of the contest. These objects are the preservation of the property and persons of American citizens from unjust violation on the common highway of nations. And is it seriously asserted that this cannot be effected? If we are, indeed, so weak and worthless as not to be able to protect our citizens in the enjoyment of these fundamental rights, let the fact be proved by experience, and the people will apply the remedy. The Declaration of Independence will be torn to atoms, and its fragments scattering on the winds; the Constitution, the model of perfection to human institutions, will be reduced to ashes; perhaps from its embers a better order of things may arise. I have no apprehension on this subject; our demands, to the extent to which the Administration are bound to go, will be granted whenever it is the interest of our enemy to quit the contest; whenever it is shown that the hopes of division in our country are delusive. On that part of the dispute which relates to impressment, we are informed that Great Britain cannot yield to our demands without endangering her existence. Her existence does not depend, I presume, upon the practice of impressing our seamen; and we have, at all times, been ready to take away the excuse for its continuance, by refusing to employ British subjects. Peace can be concluded without surrendering or jeopardizing their interest or ours. It is indifferent what the arrangement may be with regard to foreigners; but with regard to our own

citizens, whether native or naturalized, their security must be stipulated, or we quit the field with a wound incurable, for it affixes a stigma on the national honor.

There are other objections urged, not particularly applicable to this loan, but to all others the Government may require. A gentleman from Virginia (Mr. SHEFFEY) has taken infinite pains to prove the incapacity of the people to lend: his whole argument turned upon the supposed want of circulating medium. I do not pretend to accurate information on the subject of the financial concerns of my own country, much less of those of other nations. But this doctrine is contrary to what I understand to be well-founded opinions upon this subject. The experience of Great Britain is, however, conclusive against the soundness of his assumed position. Her loans have quadrupled the amount of her circulating medium, and yet no difficulty has ever occurred to prevent them from being obtained. Two facts to which the gentleman referred in support of his doctrines, I must beg leave to controvert. In the first, there is a fatal mistake in the statement; in the second, the conclusion drawn from its existence is fallacious. We have been informed that the slaveholders of Georgia have no money to lend, or no doubt it would have been advanced for the support of this righteous and necessary war. I might be excused for some remarks upon this sneer of the Representative of slaveholders upon the people by whose kindness I have the honor to address you on this floor; but, in truth, such feeble attempts at severity, if they ever deserved notice, have long since lost their claims to distinction by hackneyed use. The people of Georgia are firmly convinced of the justice, the necessity, and the policy of the war, and they have proved their devotion to its principles by advancing their treasure and shedding their blood. It is in vain to say that the money loaned in Georgia was loaned by the banks. The stock of the banks is the property of the citizens—the loan subscribed is paid with their money and for their use. They have more to be applied to the same purpose; and the extent of their exertions will be limited only by the extent of their power. It is with pride I call the attention of the honorable member from Virginia, and all others, to the contrast exhibited by the conduct of the people of Georgia and that of their Northern brethren, who are not slaveholders. When called upon to perform military services, they were not stopped by an imaginary line in the performance of their duty. No Chinese wall was interposed by prejudice and policy to the accomplishment of their object. They did not stop with an enemy in view, to settle, under the influence of dishonorable fears, the limits of their Constitutional obedience. The other fact to which I have alluded, is taken from Virginia. It is that the State Legislature have been obliged to increase the capital stock of the Bank of Virginia, as an inducement to the postponement of the payment of the debt due by the State to the Bank. From the peremptory call of the Bank upon the Legislature for the payment of the debt

and the subsequent arrangement, the conclusion is drawn, that the Bank will not be able to advance money to the General Government. I would ask if the increase of the capital stock will not increase the capacity to make loans either to the State Government or to the United States? But can it be possible that the gentleman should have overlooked the inextricable difficulty in which he is involved? There is capital enough in Virginia—there is capital to be employed in manufactures—there is capital waiting to be employed in commerce when a change of circumstances will permit; but there is no capital to be employed in loans to Government! Even, according to his own opinions, if the loan is not subscribed, it will not be for the want of the necessary capital. A gentleman from Maryland, (Mr. HANSON,) perceiving the dangerous ground upon which this argument would place the Opposition, has denied that there is want of the means of making loans, but that this loan cannot be had from the want of faith in the Government—the public credit is destroyed. [Mr. H. explained his observations—he did not say that the public credit was destroyed, but that the public faith had been violated; that the measures pursued by the Administration would, if continued, destroy the public credit.] I have no desire to misstate the argument; nor do I perceive very clearly the difference in its force or application, as stated by me, or explained by himself. If the public faith has been violated, the public credit must be impaired. If it is the tendency of a system of measures to destroy public credit, the work of destruction commences with the birth of the system. The symptoms of decay are no doubt immediately visible. Time and experience, the best possible criteria of the correctness of financial theory, have already shown the fallacy of similar opinions, and to the same unerring test I am willing to leave the decision of this dispute. The year which is now rolling rapidly over us will not pass without again convincing gentlemen of the folly of their prediction—even though, in the true spirit of modern prophecy, all their power should again be exerted to produce their fulfilment.

But why is this formidable opposition made to this bill? If the object cannot be obtained, it is a dead letter. The supreme wish of the gentlemen will be accomplished. The Administration will be embarrassed. A peace dictated by Great Britain will be the consequence. The victim, bound hand and foot, will be placed on the altar, and Great Britain will no doubt, with her usual magnanimity, use the knife of sacrifice, in the opinions of the minority, to cut the cords by which the victim is confined—in ours, to shed its blood as a propitiatory offering to the god of her idolatry.

In obedience to the fashion of this Hall, I will indulge myself in some concluding observations on the nature of the opposition to the present system pursued by the Government. The right of opposition in our country is holy. Every man who does not violate the Constitution or the laws is the judge of the moral propriety of his own

conduct. I am no casuist, capable of ascertaining the depravity or correctness of human conduct by a nicely graduated scale of moral proportions. Attempts of this kind if not improper are at least useless. I shall not therefore trouble you with any remarks upon moral treason, or the warmth which an attempt at its definition has produced. All opposition in free Governments has for its end a change of public opinion, and by this means a transfer of the power, which is dependent upon it, from the hands of the incumbents to the principal agents opposed to their system. The object is honorable—the end to be accomplished noble. What can be more honorable than to guide and direct public opinion—what more noble than the enjoyment of the confidence, the guidance of the destinies of a free and virtuous people! But the importance and greatness of the object does not justify every means of obtaining it. Like all other human pursuits, its character is fixed by the manner in which it is conducted. Have the means used by the minority since the commencement of the war been worthy of their object—have they been virtuous or vicious? I appeal to the facts upon record, and leave the decision to the people whose judgment is to be final.

An honorable gentleman from New Hampshire (Mr. WEBSTER) has said, that the minority know the limits of Constitutional opposition—beyond these they will not travel—up to them they will march fearlessly. "They are not of a school in which insurrection is taught as a virtue. They will not seek promotion through the paths of sedition, nor qualify themselves to serve their country in any of the high departments of its Government, by making rebellion the first element of their political science." I admire the manliness of the sentiment, and the beauty of the language in which it is expressed. The one is a proof of the strength of his understanding—the other of the purity of his taste. But how is this declaration to be reconciled to other remarks which have been expressed here? We have been amused with critical dissertations upon the strength of the Eastern States—upon their abhorrence of oppression. Custom-houses and custom-house officers have been threatened with destruction. Is physical strength to settle the great Constitutional questions which have been raised in the present day? The offices and officers created and appointed by the constituted authorities, can only be put down by the point of the bayonet! Gentlemen say they do not advise the people to pursue this course. They only tell them such a course would be justifiable. They do not recommend the recurrence to force, but they say, if the Constitution is violated, such force is proper and necessary. And we have been told more than once, that we have violated the Constitution and oppressed the people of the East. Such doctrines are not reconcilable with the opinions of the gentlemen from New Hampshire; whatever may be his case, some of the party of which he is a member are willing to make rebellion, if not the first, at least one of the elements of their political science. What has become of

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that Judiciary heretofore considered the safeguard of the Constitutional rights of the people—the check upon Legislative usurpations? Are its members changed—have they become time servers and sycophants to the dominant party—do they fear the responsibility of deciding on such important questions? The members of the court are not changed. The idol of the Opposition is still head of the judicial tribunals. The judges are not tremblers or time servers. That court which on a question of mere jurisdiction travelled out of the record to express an opinion against the Administration of their country, will court the responsibility of pronouncing judgment against them, if they are not forbidden by principles too strong to be reasoned down.

It is impossible to leave this subject without adverting to the conduct of a portion of the Legislature of Massachusetts, the direct tendency of which has been to lead to a separation of the Union. Inflammatory resolutions, violent complaints of the injustice and oppression of the General Government have been heaped upon each other, to stimulate public prejudice, to prepare the public mind for stronger and more decided steps. Think not, sir, I advert to these things from any apprehension that these schemes will be effectual. I mention them to express my profound contempt for their impotent madness.

The leaders of these factious spirits are prevented from carrying their wishes fully into operation by two powerful divinities—interest and fear. The love of the Union is yet sufficiently strong, in defiance of artifice and falsehood, to strike down the ruffian who dares to lift his sacrilegious hand against the Constitution by which that Union is to be perpetuated—the love of the Union among the people of the East themselves. These infatuated leaders have not the nerve to carry into execution their mad designs. He who cowers under the falcon eye of an indignant adversary, will not court the fiery glance of angry steel.

But if there is to be found a leader who to the necessary corruption, and to deadly ambition, adds the nerve requisite to perform “the firstlings of his heart;” if by his influence madmen enough should enlist under his banners, the eye of reason can look fearlessly beyond the immediate consequences to the final result. That result is not dubious. The elements of society may be set in motion, may mingle in dreadful strife; the earth may rock to its deep foundations, but not one stone of the fabric of our Government will be shaken from its place. Dreadful will be the consequences—horrible the scenes which will probably ensue. The fairest region of our country may become a “desert wild.” The poor man’s cottage and the rich man’s palace may together be crumbled to dust. The blood of the innocent and the guilty, of the recreant and the brave, may mingle in one common stream—but one consolation is still left to virtue; those who raised the tempest will be the first victims of its fury.

When Mr. FORSYTH had concluded—

Mr. ROBERTSON spoke as follows: Mr. Chair-

man, I am not surprised at the reluctance of gentlemen to take the floor. I feel sensibly the effects of my own temerity. But if, after the eloquent address of my friend from Georgia (Mr. FORSYTH) I should be so fortunate as to obtain the attention of the Committee, I promise for no great length of time to trespass on their patience. Indeed, I am not desirous of making a long speech; I am not ambitious of that fame which is to be acquired “by holding out to tire each other down.” And if the opinion of Swift be correct, that we speak with facility in the direct ratio of the paucity of our ideas, then is there little credit to be gained by haranguing—

“From morn to noon, from noon to dewy eve—  
A Summer’s day.”

Various and diffuse have been the subjects presented to our view: many of them foreign to the question under consideration, but all, diversified as they have been by ingenuity, and animated by declamation, of great interest and importance. I do not object to this excursive examination—it has high and ancient authority. Homer proposed to sing Achilles’ wrath, and he gave us the ten years siege of Troy. I will not, however, avail myself of the full extent of my privilege; I will not pass over in silence the subject which has given rise to this debate. It yields in importance to none. It concerns the honor, the existence of the nation. It is not my intention to follow gentlemen through the mad and melancholy mazes of their argument, to prove that funds ought not to be furnished; or that the plan which has been recommended by the Committee of Ways and Means, if adopted, would be ruinous to the resources and credit of the nation. Is the loan necessary, and can it be procured? It is sufficient, in the first place, to answer, that we are at war; that war cannot be carried on without money; that money is its sinew. But gentlemen say that war is unnecessary. Such has not been always the language of Federalists. Previously to the commencement of hostilities, Congress was inundated with memorials from different parts of the United States, particularly from the East—particularly from Massachusetts and Connecticut—expatiating in indignant terms, and painting in vivid colors British injuries and insults inflicted on our commerce and offences to our flag; and pledging their support to whatever measures, listening to their furious counsels, the Government might be induced to adopt. Then, according to the “sainted pilgrims,” the United States were niggards of blood and treasure. Then we were told by a celebrated Jacobin of the East, who held a seat in this House, and who employed himself at that time, as he does now, in bullying the Government, that we “could not be kicked into a war.” But let us admit for a moment that war was not unavoidably commenced; is it true, as is often asserted, that no wish is felt, no effort made to obtain an honorable peace? A slight attention to facts will confute this charge. So soon as information was received of the repeal of the Orders in Council, Mr. Russell was instructed to propose an armistice on terms of perfect justice

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and reciprocity. This the British Government rejected, and rejected in a manner in the highest degree insulting to America. When the Emperor of Russia, the ally of England, offered his mediation to effect a pacification, it was, although readily accepted by us, unhesitatingly rejected by that Government. Now, at a later period, when the enemy has held out the olive-branch, he is met promptly with corresponding views on our part. But all this is nothing: you lost, say gentlemen, the golden opportunity when you refused to close with the proposition of Admiral Warren. Yes, Admiral Warren proposed an armistice, leaving the seamen of our country, whose rights we took up arms to secure, at the mercy of subaltern officers and drunken press-gangs.

But all our efforts to obtain peace are treated as our efforts were to avoid war. They are misrepresented and derided. The Russian mediation was declared to have been unauthorized by the Russian monarch. Mr. Daschkoff and the Executive fabricated it to amuse and deceive the public! The correspondence on that subject, in all respects so honorable to our Government, lately laid before the world, has covered the authors of these calumnies with dismay and confusion. Yes, the acceptance of the Russian mediation met with the most illiberal opposition, and acceding to the late proposition of the enemy to negotiate, is begging for peace, is striking our flag. Gentlemen will be mistaken in their fears or their hopes. To treat on the proposed basis of "the laws of nations and British maritime rights," is one and the same. Britain has maritime rights, and so has every other independent sovereignty.

The hackneyed charge of French influence has been in a great measure abandoned. Mr. Foster, within the walls of Parliament, where their "friends in Congress" were spoken of, acquits us of this. The Emperor Alexander, now the theme of Federal eulogy, but doomed soon to become the subject of their bitterest hate, says, that "taking pleasure in doing justice to the wisdom of the Government of the United States, he is convinced that it has done all that it could do to prevent this rupture."

The uniform conduct of the Administration in the days of the proudest splendor of France, and in those of her comparative depression, alike removed from obsequious yielding or contemptuous exultation, the want of co-operation, the absence of alliance between the two nations, all give the lie to this accusation, so often repeated, so constantly refuted by facts and events.

But admit for a moment, in the face of the clearest evidence, that the war is unnecessary; that it is unjust; that it originated in French influence; that no efforts have been made to bring it to an honorable termination—shall we not defend ourselves? Shall we abandon the country? Is not England at war with us? And ought not the honorable gentleman from Virginia (Mr. SHEFFEY) who proposed that we should proclaim that it was not our intention to attack the enemy, also to have provided that the enemy should not

attack us? His proposition would at least have been consistent in absurdity.

If, Mr. Chairman, the state of the nation requires funds, can the loan contemplated be obtained? It is on all hands admitted that it can. Certain predictions of eventual national bankruptcy are hazarded; but at present there is no difficulty or danger. On the subject of finance we have witnessed much labor and experienced much fatigue. It has tended to make "confusion worse confounded." In my researches I too have met with a principle, I dare say as true as any we have heard, and infinitely more convenient and apposite. The celebrated *Herrenschwand* lays it down as a most valuable discovery, "that a regular and constant increase in the expenditure of the Government, is the only true means of insuring a constant progression in the intelligence and enjoyment of the people." The grand secret, then, for increasing the happiness of the people, is for its rulers to spend as much as possible. I cannot say that I entirely agree in opinion with this profound economist, although he is announced to the world by Arthur Young as one of the greatest political geniuses of the age. All I intend is, to show that the subject of finance is intricate; that the greatest men are puzzled, and that the gloomy predictions and dull calculations of the gentleman from Virginia (Mr. SHEFFEY) ought to be listened to with much doubt and circumspection. For my own part, when I reflect on the never failing series of wars which have convulsed the world, I have been led to suspect that if greater difficulties existed to the procurement of money than is generally experienced, mankind would have no cause to lament the circumstance. But when I perceive that the worst governments, for the worst purposes, have been enabled to prosecute never ending and expensive contentions, I feel encouraged to believe that a virtuous government, for honorable purposes, will not furnish the only example of falling a sacrifice to its enemies, for want of means to defend and support its rights.

But gentlemen oppose the loan because they are anxious to preserve the faith and credit of the nation. But the loan is necessary for that purpose. How else will our contracts be fulfilled; how pay the debts already due; how satisfy the claims of the Army, the Navy? Aware of the inconsistency in which they are involved, they contend that the majority will sacrifice the faith of the public, rather than hazard their popularity by finding ways and means to pay the debt they contract. This doctrine was not for the first time broached in the House. A gentleman now before me, (Mr. PICKERING,) in essays under the signature of his name, contended for the truth of the same principle; this was done to prevent individuals from advancing their money to the Government; not satisfied with this he said, that if the party to which he belonged got into power, the creditors of the nation could with no propriety expect payment of their demands, as the debt had been contracted in consequence of their advancing money to prosecute a war denounced by the

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Federalists as cruel, unjust, unnecessary. The gentleman is at perfect liberty to speak for himself and his party; he well understands their views, and does them justice. I object to a further extension of his jurisdiction. It is, then, already avowed, that if he and his friends are intrusted with the Government, the debts of the nation will not be paid. This principle strikes at the foundations of society, and it is the open avowal and unqualified support of doctrines so monstrous that keeps, and will, it is devoutly to be hoped, forever keep them in the same feeble and suspected state in which they at present are found. How different was the course of Republican successors of a Federal Administration! Mr. Jefferson in coming into office found an enormous debt of upwards of \$80,000,000; much of it had been contracted in the prosecution of measures highly disagreeable to himself and his political friends; most of the evidences of the debt had fallen into the hands of his opponents. No disposition was felt, no hint thrown out calculated to excite alarm; the fame of the country was held too dear to be sacrificed on the altar of revenge. Ample means were provided to satisfy the public creditors; under the auspices of his measures, stock rapidly rose, and the complaint was, that there was too much promptitude in discharging and cancelling the public obligations. The suspicions which gentlemen have thought fit to express are not supported by adverting to the past; they will not be verified by the future conduct of the Government.

Among the various objections which are urged, we are told that we are not interested in the injuries which have given rise to the war; that commerce and seamen, belong not to those who affect to protect them; that the Navy and all its glories appertain to Federalists. They forget that most of the Representatives from the cities and Atlantic coast, voted for the war; and they arrogate claims, in regard to the Navy, to which they are not entitled.

Let us for a moment examine the subject.—General Washington, whose Administration was comparatively free from party, and whose views and principles were very different from those of many by whom his name is often profaned, was for years silent as to a navy. In his addresses at the opening of each Congress that topic was unnoticed. From 1789 to '94 the United States owned no armed vessels. The conduct of the Algerines induced the passage of an act to authorize the President to build four 44-gun frigates. Peace was restored in the Spring of 1795; the perishable materials which had been provided sold, and directions given to finish but two of the 44's and one frigate of 36; this was done. Mr. Wolcott, a Federalist from Connecticut, and then one of the heads of department, proposed that two millions of dollars should be appropriated annually to military purposes and pensions. Give to the Navy a fourth of this sum and the encouragement which was bestowed on this subject will be seen. It is confidently believed that during the eight years of General Washington's

administration there was not expended on the Navy of the United States one million of dollars. In his Farewell Address, which contains so many principles of inestimable value to all who admire our form of Government, he says nothing, notwithstanding the wide scope of his remarks, in regard to a navy. His wise and prudent administration terminated; tired with public employment he retired, carrying with him the highest gratitude of his fellow citizens. A new era arrived; high notions of Executive power and consequence succeeded; extravagant and tyrannical opinions, which his virtuous example had long repressed, were now avowed; and Mr. Adams, under the influence of bad men and bad passions, was elected to the high office of the Presidency. It will not be denied that his expenditures were great; they were enormous. In his short career of four years of extravagance and folly, upwards of ten millions of dollars were appropriated to the American marine. But we are not to conclude from this, that the Federal party were actuated by feelings of attachment to a navy; they were governed by some such motive as induced them to wish for an army of fifty thousand men, as gave rise to the alien and sedition laws; for when about to lose their much abused authority, on the last day of their political existence, they passed a law reducing the Navy to thirteen vessels, directing that but six of these should be kept in commission, and that the remainder should be sold or placed in ordinary. Mr. Stoddart, too, who presided over that Department, when called on for his opinion, advised that about \$1,200,000 should be actually appropriated for naval purposes. This then seems to have been the cool and dispassionate view of that party; when they were about to resign unwillingly the reins of Government into the hands of their political adversaries, all inducement to profusion had ceased; the real interests of the public were then understood, and that view was taken, by which, if the succeeding Administration be tested, it will be discovered that they have overgone the limit affixed by their predecessors. With what show or color of propriety, then, can the Republicans be reproached with a denial of the utility of a navy; with what show of right can the Federalists affect to monopolize all the glory which it has shed over the country? But it is insisted that the officers are Federal. I have the happiness to be acquainted with some of them, some who have distinguished themselves; others who want opportunity so to do. If they are Federalists they are Americans; they sustain the rights of the nation; they invigorate the arm of the Government. Let the Federalists in civil life or in civil office do the same; let them imitate their patriotic example; let them uphold with their voice what the seaman defends with his arm; it will not be objected to them that they are Federalists, they will share in that glory which the patriot, whatever party name he assume, never fails to enjoy.

An honorable gentleman from Massachusetts, (Mr. BIGELOW,) not content with the same com-



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món topics of censure, has, in terms the most acrimonious, denounced the Government for taking advantage, as he says, of the distressed situation of Spain to possess herself of her territories; forgetful of the gratitude due for her assistance in our time of utmost need—lost to all sympathy for a people engaged in a struggle as honorable as our own Revolution, we have wrested from her our adjoining provinces and added them to our already too extensive dominions. Mr. Chairman, I will not sit silent and hear observations made and doctrines advanced calculated to insult the independence, and endanger the liberty of the State which I have the honor to represent. I cannot listen unmoved to sentiments which go to replace under Spanish vassalage those by whose suffrages I hold my seat in this House. I have another, not a stronger, but a more general motive for setting the gentleman right. It is a wish to rescue the Government—to shield my country from such an unmerited aspersion. Let me not be misunderstood; in speaking of the Government, I do not mean the Executive. The common error of the minority renders this explanation necessary; they forget that they are not in England; they forget that this is not the British Parliament; that our Government does not happily resemble that “most stupendous fabric of human invention.” There, the Executive is the Government—here, the Congress is principally the Government; the high and elevated attributes of Government belong to this body; our Constitution, the pride of America, the reproach of the world, makes the Legislature the “mighty paramount;” its pre-eminence is established, and vain will be the open or secret attempts of the advocates for Executive supremacy to supplant it. So far from the Executive being the Government, I consider it, as well as the Judiciary, as infinitely inferior. Have they power over the Legislature? Are we answerable to the President or judges? Do they not rather act under a dread responsibility to the Representatives of the people? And so it ought to be, and so it must be in all Republics. The law-making principle is essential, indispensable. The other departments are inferior, subject to its control; in short, ministerial.

But to return. The United States acquired Louisiana by treaty. Spain had previously transferred that country by the Treaty of San Ildefonso; she retroceded it to France, “with the same extent it then had in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States.” This is the only manner in which the boundaries of the country are designated. Let us for a moment inquire what they are. The Government of Louisiana is declared, by the grant of Louis XIV. to Crozat in the year 1712, to comprise “all the lands bounded by New Mexico, and by the lands of the English of Carolina; all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphin, &c., with all the rivers which fall directly or indirectly into the Mississippi.” At this period the French had

made no settlement on the island of Orleans; the city of New Orleans was founded in 1717; they had established themselves, since the year 1698, at Isle Dauphin, at the mouth of the bay of Mobile, and at different places on the main, from the Perdido to the bay of the St. Louis; the Rio Perdido divided Louisiana from Florida. In 1763 this part of Louisiana, east of the Mississippi, was ceded by France to Great Britain, who by the same treaty acquired Florida from Spain. By the treaty of 1783, England ceded all that part of the former colony of Louisiana, east of the Mississippi, and the old Spanish colony of Florida, under the name of East and West Florida, to Spain; and, as has already been stated, by the Treaty of San Ildefonso in 1800, Spain retroceded to France her ancient colony of Louisiana, who, in 1803, transferred it to the United States.

Louisiana was retroceded to France “with the same extent that it then had in the hands of Spain,” and Spain then possessed the whole of the country which formerly constituted Louisiana, east of the Mississippi to the Perdido, and south of the 31st degree of north latitude, the boundary of the United States, as established by the treaty of 1783.

Louisiana was retroceded, “with the same extent it had when France possessed it,” and France possessed it bounded to the east by the Perdido, and never for a day held it with any other boundary. The other expressions are, “such as should be after the treaties subsequently entered into between Spain and other States.” Now let it be remembered that Spain never made any treaty concerning Louisiana west of the Mississippi, that she made no treaty affecting its eastern limits; the only treaties which she subsequently entered into, are those of 1783 with Great Britain, and of 1795 with the United States. By the first she acquired the Floridas, and by the last recognised the southern boundary of the United States, as established by the treaty of peace between them and Great Britain.

The title, then, of the United States to Louisiana, bounded east by the Perdido, is clear. But Spain thought fit to hold possession till the people of Florida, Americans by birth and sentiment, imitating the example of their forefathers of Massachusetts, rose on their oppressors, and drove them from the land. If excuse were ever necessary for breaking asunder the chains of slavery, they were more excusable than their progenitors; for England had a right of sovereignty, whilst the possession of Spain was an impudent usurpation.

The gentleman says, that he adverted to a law authorizing the President, under certain circumstances, to take possession of East Florida. It is sufficient to reply, that the circumstances, if they occurred, would have fully justified the act, and that the United States have not possessed themselves of any part of East Florida; and what has been the consequence of our forbearance? What effect has been produced on Spain by our magnanimity? I will tell the gentleman. She held possession of a part of the United States, from

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the year 1783 to '99, subjecting American citizens to her tyranny, and producing inextricable confusion in the disposition of lands to which she had no title. From the year 1803 to 1810 she retained possession of West Florida, which belonged to the United States, subjecting the people to greater evils and more intolerable mischiefs than those which distinguished her government of our country, from the 31st degree of north latitude to the mouth of the Yazoo. Need I speak of her efforts to destroy the Union, by her attempt to bribe and corrupt the people of the West; of the insolence of her Ministers; of her depredations on our commerce; of her robberies of millions of American property in her ports and on the high seas? Shall I call your attention to her more recent and more flagitious conduct in setting the Indians on our frontier inhabitants? Look to the massacre of Fort Mims. I knew the officer well: he was a brave and honest man; he died at his post, as did his gallant little band, in vain efforts to protect hundreds of women and children from the flames of the incendiary savage, or the worse horrors of his scalping knife! And are we to be reproached with injustice to this nation? Where is the catalogue of our offences? But how does it happen that Spain was never an object of Federal admiration till she became the ally of Britain? What was the language of gentlemen a few years ago, when the right of deposit was refused, and the port of New Orleans closed against us by an unauthorized act of the Intendant? Propositions were made in the Senate, and supported by Federalists throughout the nation, for levying an army and seizing on Louisiana. At a later period, disappointment and dismay prevailed in their ranks, when hostilities apparently so probable were prevented on the Sabine. Spain was then the ally of France, and at war with Britain; the United States were then, according to the "sainted pilgrims," niggards of blood and treasure. Louisiana, too, was invaluable; it would be a cheap acquisition at any price; it was worth a war even with Spain, and all its consequences of 20,000 lives and 100,000,000 of dollars. Why, then, this whining about blood and treasure? When Louisiana was in possession of its rightful owner it was to be taken by force, it was of inestimable value, but no sooner had the Administration, adhering to the pacific maxims of virtue and republicanism, obtained the country by treaty, than, with a temerity unprecedented, the minority contradicted all that they had before affirmed. This paradise, this "blissful Eden, blooming with ambrosial fruit of vegetable gold," became at once "a dark Serbonian bog," and the majestic Mississippi, the mother of waters, "abhorred like Styx, the flood of deadly hate." Fifteen millions of dollars was more than it was worth, and no approbation was felt for that arrangement which had saved the effusion of blood, and, among other advantages, secured to our merchants 3,700,000 dollars, for spoiliations committed on our commerce by the French. I would ask the honorable gentleman before me, (Mr. PICKERING,) if these were the spoiliations which he instructed our commis-

sioners at Paris not to insist on reparation for, as an indispensable condition of a treaty then attempted to be formed? As to other objections, and, among them, the destruction of the political importance of the Eastern States by the admission of Louisiana into the Union, it may be sufficient to observe, that the Eastern States had before that event lost their relative importance. In the year 1800 they were entitled to thirty-five Representatives, while the Middle States were entitled to fifty, the Southern to forty-six, and the Western to ten. It is idle, then, to say that this section of the Union had cause to apprehend a state of things which had already occurred. The charge, that the Government has taken advantage of the situation of Spain to possess itself of her territories, is entirely unfounded; and all its measures connected with the acquisition of Louisiana, exhibit an attention to the interests of the United States, and an observance of the principles of fair dealing, which reflect equal credit on its sagacity and honor. But if the honorable gentleman was desirous of arousing feelings of indignation against national rapacity, how could he overlook the flagrant conduct of all the Powers of Europe, and direct his efforts against his own country alone; his own country, the only one on earth against which such charges could not with propriety be made? I do thank my God, that the United States have never violated that justice, that moral sense, which are the strength and power of a people; have never listened to the siren seductions of pride, have never followed the odious examples of civilized Europe. Shall I call your attention to Poland—to the sacrilegious partition of that country? Russia, Austria, and Prussia, with one fell swoop, blotted her forever from the map, annihilated her sovereignty, and deprived her of the "stimulus of a name!" Whilst Catharine was extending the blessings of her Government to the highly-favored Poles, half a million of her subject Calmucks, insensible of the advantages of her mild control, hazzarding, according to the gentleman from Virginia, (Mr. SHEFFEY,) the appellation of Godwinians, were, with their wives and their children, and their household gods, flying from the banks of the Volga to the foot of the mountains of Thibet, escaping from enlightened and Christian Europe, and throwing themselves for protection on the Pagan mercies of an Asiatic monarch. The great Frederick was not behind his royal associates in proud superiority to the feelings and rights of humanity. Twelve thousand families were forcibly converted to Godwinism, torn from their native country, driven forth from the fertile and delightful plains of Great Poland, and established on sterile rocks and barren lands, for the purpose of peopling his hereditary dominions. To cap the climax of their atrocity, this triumvirate of anointed despots compelled the unhappy victims of their wrath to take oaths of allegiance, to repair to the temple of the Most High to offer up prayers for the prosperity and happiness of their oppressors, and thanksgivings for the blessings which had been bestowed on their country!

Since that eventful period Europe has been plunged in wars and anarchy. Why should we be surprised at anything that afterwards occurred? That moral sense so necessary to the tranquillity and peace of the world, was now trodden under foot. What could be expected, but further schemes of aggrandizement! Accordingly, the French Revolution gave rise to the partition treaties of Mantua and Pilnitz. France was to experience the tender mercies which had been shown to Poland. Rousing to a sense of her danger, she drove back the tide of invasion, and, in her turn, overrun Spain, Italy, and Holland, carrying defeat and dismay to the extremest regions of the North, became the arbitress of nations, and the terror of the world. But "there is a point of exaltation from which things recede in a contrary progression:" her conquests have been wrested from her with a rapidly more wonderful than that with which they were made. Her false glory has vanished, as if by the effects of sorcery; and happily for herself and the world, she is once again confined within more reasonable limits.

During this period, how stands the account with the "fast-anchored isle"—"the bulwark of our religion"—"the world's last hope?" What are her claims to these high attributes? Let the cold-blooded robbery of the whole fleet of Denmark—the acquisition of seventy-two millions of subjects in Asia—of possessions in America, Europe, and Africa—tell. While the Continental Powers have been engaged in wars—wars fomented by her—she has possessed herself of the Spice Islands, the Cape of Good Hope, the Dutch colonies on the Essequibo, and Demarara in America, the West India islands, Malta, the Grecian Archipelago. She holds Spain, Portugal, Gibraltar, in Europe; the Canadas, in North America; all the ships and colonies of all her enemies and all her friends. Her dominion has extended over the whole world, while she protests, and her admirers in America repeat, that she is actuated by no views of ambition—that she has been waging war merely in her own defence. With this impudent plea, which idiots have believed, she has become powerful, indeed. And, if the proportion of *gulls* in Europe be as great as in the United States; if it there be deemed necessary for her existence, that she should humble this country; if she be permitted to subsidize Hessians and Brunswickers and Hanoverians—those interesting beings who for years past have so strongly excited our sympathy—effect what she attempted during our rebellion, a negotiation for the services of fifty or one hundred thousand Cossacks, to aid in chastening our insolence for declaring this unjust and unnatural war—we may have occasion for more men and more money, and more exertion, than at present we seem to anticipate.

A singular fact is connected with the effort of the British to hire cut-throats in Russia. Her success was prevented by the French Minister. It would appear, from this, that Spain is not the only nation entitled to our gratitude. But, to the fact, which it was my intention to mention: The

Czarina had determined on giving His Britannic Majesty effectual assistance against his rebellious subjects in America. Prince Potemkin, who wished an alliance with England, had the sole management of the affair. Count Panin, the partisan of France, then our friend and ally, formed means to retard the signing of the instrument already drawn up, and produced another project in its place—that of the armed neutrality. Revolving time has brought around a similar state of things; the principles of the armed neutrality again interpose for our safety. The Continental Powers, relieved from their fears of France, will look to the establishment of principles so necessary to their prosperity, and thus coming into collision with England, find her employment nearer home; or, leaving her in the quiet and uninterrupted enjoyment of her commercial monopoly, she will have an opportunity of prowling over the Continent, picking up the well-fleshed bloodhounds of a fifteen or twenty years' war, and disgorging them with her own British and Negro and Indian savages on our country! In speaking thus of her power, I wish not to be misunderstood. I wish to put the nation on its guard against those who would insinuate that the magnanimity, the humanity, the religion, of our enemy, is a guarantee against unusual mischief. We have nothing to fear, but being lulled into a false security. Let us consider Britain as she is—blood-thirsty and perfidious—then there is no "terror in her threats." For one, I will never worship at the altar of this modern Dagon; I will never propitiate by prayer or submission this

"Sea beast

"Leviathan—which God, of all his works,  
"Created hugest that swam the ocean stream."

I come now, Mr. Chairman, to a subject which, at length, is admitted to be of sufficient importance to be considered. I cannot help thinking that I have some cause of complaint. You may remember, scarce three weeks are past, since I submitted a resolution to appoint a committee to inquire into the expediency of providing by law for the exercise of the right of expatriation. Very much to my surprise, it was then, both by my political friends and foes, deemed too insignificant or too mischievous to be entertained with common attention. Gentlemen from either side of the House rushed forward with eagerness to lay the phantom which their own imaginations had created. According to some, it interfered with contemplated negotiations; others thought it in its nature too abstract; others saw in it a violation of the municipal laws of foreign countries; and there were not a few who deduced from it encouragement to desertion, and all kinds of abomination. That proposition must indeed have been an anomaly in politics, which united in opposition to it the Federalism of Massachusetts and the Democracy of Tennessee—the commonly correct understanding of the gentleman from New York, (Mr. OAKLEY,) and the metaphysical mind of my friend from South Carolina, (Mr. CALHOUN.) Yet, so it was. It was convenient to arrest its progress; and this was done by gentle-

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men who amuse the House with harangues about moral treason, and with abstract disquisitions on what constitutes the difference between legitimate and factious opposition. It was laid upon the table, and there it has been suffered to lie. But, as the scene is changed; as it is now magnified into a consequence as far transcending its real dimensions as it was formerly diminished below them; as the gentleman from New York, before me, (Mr. GROSVENOR,) connecting in one mass expatriation, emigration, allegiance, and retaliation, has been pleased to say it is more momentous than any question which gave rise to the war, or to discussion in this House, infinitely more interesting than impressment itself—I shall, with the good leave of gentlemen, on another occasion, present it again to their consideration. But, dragged as it is now before the Committee, although nothing can result from the examination, I will not pass without notice some of the doctrines which have been advocated by gentlemen in Opposition.

Before proceeding further, I can but express my astonishment that emigration should be the theme of reprobation in any country on earth, and, above all, in the United States of America. Are we not a community of emigrants? Are we not remotely or immediately, all of us, emigrants? One would really suppose that, like the Welch, we had our genealogical trees, and that we could, without difficulty, point to our antediluvian American ancestors. What can be more ludicrous than to find individuals denouncing the principle of emigration, from whose tongues a foreign dialect has not yet worn away—men who, if Holland should rehoist her flag, and practise on the principles of the British, would run a risk, if they dare trust themselves at sea, of being impressed as Dutchmen, just as Americans are mistaken for Englishmen!

An honorable gentleman from Virginia, (Mr. SHEFFEY,) one of the minority, expressing his very high respect for the majority, invites them to go over to that side of the House to which he at present belongs. If I were disposed, on a subject of this kind, to pay attention to any person whatever, certainly the advice of that gentleman would be entitled to much consideration. He has tried both sides, and ought, of course, to be the best judge of their respective merits. But, answering for myself, and, I believe, for my political friends, if we were disposed to go, we should not know how; but, as the gentleman has travelled the road, and knows the way, as he is fond of our company, let him come back.

The gentleman from New York, before me, (Mr. GROSVENOR,) arraigns the honorable gentleman from Ohio, (Mr. McLEAN) for pursuing the course and borrowing the principles of a late pamphlet on the subject of expatriation. Suppose this to be true, although on that, or any other subject, the gentleman is well enabled to think for himself, the essay alluded to reflects much credit on its author. It evinces deep research and great ingenuity, and is written with peculiar elegance and correctness. It is now on the table

of the gentleman, and, whilst he has affected to speak of it lightly, it cannot but be observed that he has drawn from it as copiously as he represents the gentleman from Ohio to have done.

The right of expatriation, or emigration, belongs to man. It is derived from the God of nature. He holds it not of Government. That it is a natural right is asserted by almost every writer of eminence. Need I mention *Vattel*, *Burlamaqui*, *Wicquefort*, and *Bynkershoek*? Such was the opinion of Greece and Rome. The gentleman from New York does not deny it, and, after a laborious research, no doubt, discovers what he might have learned from the little volume before him that *Rutherford* stood alone as the advocate of a contrary doctrine.

But it is attempted to be established that, although the right of emigration is clear, yet, that we owe a sort of allegiance to the country of our birth, from our birth, which is inalienable, of which we are not enabled to divest ourselves. A principle more absurd, more incompatible with acknowledged rights, both of individuals and of independent sovereignties, was never attempted to be proved. It is incompatible with the rights of individuals, because it renders their right of emigration incomplete or nugatory; but the right of emigration has been admitted. It is incompatible with the rights of independent sovereignties, because the right to naturalize foreigners is not denied, and this right, with the duties of allegiance to another sovereign, is thus, also, rendered incomplete and nugatory. To owe allegiance to a Government under which we neither do, nor intend to reside, is as absurd as not to owe allegiance to a Government under which we do, and intend to reside forever. The absurdity of the one proposition will not be denied, and there is no discoverable difference, in the eye of reason, between them.

But it is contended that expatriation is a question of municipal regulation. From the very nature and meaning of the principle this is impossible; this follows what has been said already. It may be prohibited by force; physical force may prevent it. You may be laden with chains; all egress may be prevented; but your country is then a prison. A law to prohibit emigration would be a folly, if it were not a crime. Like a law against suicide, when you incur its penalties you are out of its reach.

Blackstone differs in opinion with the gentleman from New York. He was very well aware that to rest the perpetuity of allegiance on mere municipal regulation, was to do nothing—the opposing municipal regulation of naturalization would be entitled to equal weight; and that, as in the event of collision, the law of nations could alone decide, it was necessary to prop the principle with some other authority than British common or statute law. Accordingly, with a hardihood unequalled, in the teeth of every authority, in defiance of the recorded opinions of jurists, in the face of reason and of truth he asserts that it is a principle of universal law that “the subject of one sovereign cannot, by any act of his own;

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no, not by swearing allegiance to another, put off or discharge his natural allegiance to the other." Yet in England, their statute of a naturalization declares that "if any foreign seaman shall serve on board of any British vessel for the space of two years, he shall, to all intents and purposes, be deemed and taken to be natural born subject of His Majesty's Kingdom of Great Britain, and have and enjoy all the privileges, &c., which such foreign seaman should or ought to have had and enjoyed in case he had been a natural born subject of His Majesty, and actually a native within the Kingdom of Great Britain." Now, if the natural born subjects of Britain owe allegiance to any other country, then do the naturalized subjects owe the same; but, if this cannot be affirmed of the one, then no more it can be said of the other, for they are, to all intents and purposes, in regard to privileges, powers, rights, and capacities, to be considered alike.

Again, according to the common law, an alien cannot hold lands in England, because, says Blackstone, this might interfere with his natural allegiance; but, if the alien be naturalized, he may hold lands, and then his native allegiance is necessarily destroyed. According to the laws of England, naturalization, by enabling the party to hold lands, destroys natural allegiance, and this is all that is now contended for.

A great many arguments have been used, and cases quoted, to show that in England the duty of perpetual and inalienable allegiance is asserted. We have been referred to her blood-stained code to show that emigrants had been taken in arms, tried, executed, and mangled while yet alive, as traitors to their king and country. That her history furnishes abundant evidence of injustice, cruelty, and atrocity, required no great effort to show; but, until it is established that we, as well as other nations, are bound to obey her municipal laws, nothing is done in regard to the present question.

Having established that expatriation, or emigration, with an intent to permanently reside elsewhere, is a natural right, and that naturalizing foreigners is practised in England, it is proper to add, that emigration is prohibited by no civilized Government, that naturalization is practised by all, and that perpetual allegiance is a foolish notion, growing out of feudal times, supported by insolence and power, at war with the plainest rights of man, and in violation of the undeniable prerogative of every Government on earth.

Upon this subject, what say American authorities? The State of Virginia, which, in regard to a correct understanding of moral and political truth, yields to no country in Europe, has recognised by law the right of expatriation. The gentleman from North Carolina (Mr. GASTON) contends that, as Virginia had authorized expatriation, this was a clear proof that, in the opinion of that State, the right might be given or withheld at pleasure. The gentleman either never read, or entirely misunderstood the statute. It does not give, it recognises the right. It provides that, "whenever any citizen should, by

deed, or open verbal declaration, made in court, declare that he relinquished the character of a citizen, and shall depart out of the commonwealth, such person shall, from the time of his departure, be considered as having exercised his right of expatriation, and shall thence be deemed no citizen." In perfect coincidence with the right of expatriation are the opinions of Judges Tucker and Roane, of that State, and Judge Iredell, formerly of the United States bench. One of our complaints, whilst colonies, was, that Britain discouraged emigration. In conformity to these ideas, the Constitution has given to Congress authority "to establish a uniform rule of naturalization." During the Administration of General Washington, a law on this subject was enacted. It called on the alien who wished to become a citizen of the United States to "renounce and abjure all allegiance to any foreign prince, potentate, State, or sovereignty, whatever, and particularly, by name, the prince, potentate, State, or sovereignty of which he was before a citizen or subject."

If the effect of naturalization was before doubtful, it ceased to be so now; whether it annihilated natural allegiance, was no longer left to implication. If a naturalized foreigner in England, notwithstanding he was, to all intents and purposes, to be held and taken as a native-born citizen, notwithstanding he was enabled to hold land which an alien could not do, because it destroyed his natural allegiance, still owed allegiance to the country of his birth; if all this nonsense were true, to put an end forever to such doctrine, we have required that a positive abjuration of all previous allegiance should be made. And whilst a citizen thus constituted, thus fashioned by ourselves, stamped with the holy attributes of equality, in all things, in regard to the other members of our free community, calls upon us for that protection which we have authorized him to expect, have we a right, have we a discretion; shall we be so vile, so infamous, as to hesitate? We should become the scorn of nations; we should loathe ourselves; remorse would poison our days. Is this the asylum of oppressed humanity? Is it thus we fulfil our promises to suffering man? What, lure from his native country, his home, a fellow-being who could have dragged out a miserable, though tolerable existence, to abandon him to punishment for an act which we have encouraged, for trusting to our faith, for confiding in our truth?

Thus, then, the question of retaliation arises. Shall we retaliate on the enemy cruelties which he may inflict on individuals who, though born in Britain, have left that country, incorporated themselves into our societies, and have been taken prisoners fighting our battles? But I cannot subscribe to the opinion, that we owe protection to those only who have been naturalized. I differ with the honorable gentleman from Virginia, who supposed that the Government felt itself bound no further. That is not the view of the President, he covers much wider ground; but it is the true ground. He does not speak of natural-

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ized citizens, but of "persons who have incorporated themselves into our society." It is worse than useless that we should take any distinction. The British principle of perpetual allegiance applies as well to the one as the other. If our enemy adhere to the dicta of Blackstone, instead of the voice of reason and the practice of nations, then will all those individuals who were born in England fall under the denomination of traitors. No matter how formally we have made them citizens; no matter how many years they may have resided among us; no matter what their inducements to defend the country where all their happiness is centered; no matter if driven from their native fields by the hard hand of poverty; complying with laws which they have sworn to support; fulfilling duties which God has enjoined, they have committed the foul crime of treason; the horrible punishment denounced by British law awaits them. What if he has been compelled by us to take up arms? What if he has been enticed to do so by allurements held out to his cupidity or to his patriotism, are we not bound to protect him? Let us inquire, then, into the practice of the world.

It will be found that the claim now set up by England is unsupported by precedent, and is at war with her own example. Prince Eugene was, by birth, a Frenchman; disappointed in his just or ambitious views, he left France and joined the Austrian army, then employed against the Turks. He received an order to return; but, so far from complying, war breaking out between the two countries, he ranged himself on the side of the enemies of France—his career is well known—he defeated and humbled the proudest Power that Europe had then seen. His natural Sovereign, Lewis XIV, did not consider him as a traitor; the surrounding nations did not consider him as a traitor. England hailed him as the greatest captain, the brightest ornament of his age. It is to British historians and British poets that we are indebted for the opinion which we have of him—opinions as honorable to his moral as to his military character. At the siege of Turin, Eugene, a Frenchman, commanded the Austrian army; the French army was commanded by Count Marsin, an Austrian. In the war of the Succession, as it was called, the French armies were commanded by the Duke of Berwick, a Briton, a King's son; the British armies were led on by a Frenchman, of the title of Galway. Instances of the same kind are innumerable. But will express authority, drawn from England, be considered as of weight in a controversy with that Government? I admit, under other circumstances, it would deserve but little respect, for history furnishes examples of every absurdity and every atrocity, which wanton power has perpetrated. But it is fair to set up her former practice against her present pretensions. In the year 1794, certain corps of Frenchmen were enlisted in His Majesty's armies, for the purpose of invading France; Mr. Sheridan asked, in debate, whether, if they were taken prisoners and treated as traitors, the English Government would re-

taliate. Mr. Burke replied, "yes." This gave rise to much opposition and animadversion on the part of the minority. In answer, Mr. Burke said:

"From the severity of comment to which the poor monosyllable, 'yes,' has been subject, the world must have been led to think that I have taken up my morals at random, merely on sentiment, and that I was wholly unprepared to defend them on principle. As a general principle, founded on policy and law of nations, I am ready to repeat and maintain, that retaliation of any severity which an enemy may practise, is right and proper. The *lex talionis* is a part of the law of nations, as founded on that of nature. These corps must be considered purely as a part of that army under whose banners they serve. God forbid that the authors of murder should not find it recoil on their own heads. Such is my opinion relative to the justice and policy of retaliation. I would suffer no one act of severity to pass unretaliated. But the right honorable gentleman is fearful that we may inflame the Jacobins by this severity on our part. Inflame a Jacobin! You might as well talk of 'setting fire to hell.'" Mr. Burke goes on to remark, that "the practice is more lenient than the mildest doctrines of theorists. To the honor of practical humanity, only four instances of wanton and unnecessary murder occurred throughout the whole course of the American war—a forbearance which reflects equal credit on both parties. In 1688, the Irish brigades were taken into the service of France, and retained their own uniform. Yet, England, though often courageously opposed by these troops, has not, in any instance, treated them as rebels, when the fortune of war cast them into their power. In the rebellion of 1746, a whole regiment of them was taken, but no severity was practised.

"France, under Louis XIV, conducted herself in the same way. Many of her regiments, after the cruel and impolitic revocation of the edict of Nantes, were taken into the pay of Prussia, Holland, and Britain; yet, she never sacrificed these troops when they became prisoners. The battle of Fontenoy was gained principally from the exertions of the Irish brigades, and though they fought in open rebellion, these extremities were not thought of. Lord Ligonier, an officer of great note in the English service, was a Frenchman by birth; when taken prisoner, fighting against France, was exchanged in the usual course, for an officer of the same rank. Similar instances may be collected from the conduct of Germany, Sweden, and every other Power of Europe."

During the same debate Lord Mulgrave, then high in office, enjoying the confidence of Ministers, and it may be presumed speaking with their approbation, also declared that the system of retaliation was to be adopted.

The English, it seems, then, were at liberty to enlist and embody whole corps of Frenchmen, recently arrived, to be employed expressly for the invasion of their native country, whilst we violate every principle of the laws of nations, by taking into our service an inconsiderable number of Englishmen, members of our own society, to be used as occasion might require, in our war with that Government. The difference between the two cases cannot but occur to the most cursory observer. Yet, "the French corps were to be considered purely a part of the army under



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whose banners they served ;" but British emigrants, serving under the banners of the American army, are to be considered as traitors.

Mr. Chairman, I have trespassed longer on your patience, and that of the Committee, than I had intended. I hope, however, the importance of the subjects under consideration will be my apology. I will observe, sir, that I have endeavored, I think, with some success, to establish the following positions: That the loan, in consequence of the war in which we are engaged, is necessary, and can be obtained; that the pretensions of the Federalists, to the exclusive patronage of the Navy, are unfounded; that, with respect to Louisiana and Florida, the conduct of the United States has been scrupulously honorable; that the right of expatriation is supported by principle, and established by practice; that naturalization is its necessary effect, and by a sort of reaction sanctions the principle; that inalienable allegiance is absurd, and incompatible with expatriation and naturalization, so clearly established by universal usage and law; and that the question of retaliation, to which the late proceedings of the British Government have given rise, is incontestably settled in our favor, by the authority of her greatest statesmen, by her own practice, and by that of the civilized world.

When Mr. ROBERTSON had concluded, the Committee rose, and the House adjourned, after an intimation from Mr. CHEVES (the Speaker) that he proposed next to take the floor.

THURSDAY, February 24.

Mr. HEMPSTEAD presented a resolution of the Legislature of the Territory of Missouri, requesting that a law may be passed authorizing the said Legislature to fix the seat of government of said Territory.—Referred to the Committee on the Judiciary.

Mr. ARCHER, from the Committee of Claims, reported a bill for the relief of William Henry Savage; which was read twice, and committed to a Committee of the Whole.

Mr. TAYLOR, from the committee for revising the militia system, made a report on the memorial of the Legislature of the Indiana Territory, referred on the 29th December last; which was read and referred to a Committee of the Whole on Tuesday next.

The amendments of the Senate to the bill "to provide for the return, to their own districts, of vessels detained by the embargo, in districts other than those where they are respectively owned or belong," were read, and referred to the Committee on Foreign Relations.

Mr. EPPEL submitted, for consideration, the following resolution:

"Resolved, That an additional standing committee be established, to be called 'A Committee for Public Expenditures.'

"It shall be the duty of the said Committee for Public Expenditures to examine into the state of the several public Departments, and particularly into the laws making appropriations of moneys, and to report whe-

ther the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments, and the accountability of their officers."

The resolution was read, and ordered to lie on the table.

On motion of Mr. STUART, the Committee of Ways and Means were instructed to inquire into the expediency of explaining or amending the act passed at the last session of Congress, entitled "An act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise," and in relation to the liability of practising physicians to the tax imposed by the said act, and that they have leave to report by bill, or otherwise.

#### REVENUE CUTTERS.

Mr. WOOD, of Massachusetts, offered a resolution to the following effect:

Resolved, That the Naval Committee be instructed to inquire into the expediency of placing on the pension list of the United States all officers, seamen, &c., that may be wounded in the performance of duty on board the revenue cutters of the United States.

Mr. LOWMEDES, of South Carolina, as one of the Committee on Naval Affairs, objected to the reference of this subject to that committee, as well because the committee had, in a bill they had recently reported, expressed the opinion to what extent the principle of pensions should be extended, as because he saw a material distinction between the cases of persons serving on board national vessels of war and revenue cutters, arising from the difference of ordinary compensation, of discipline, danger in the service, &c.

After some observations, not distinctly heard, from Mr. WOOD, by way of reply, Mr. W. so modified his motion as to refer the proposed inquiry to a select committee; and, thus amended, the resolution passed, *nem. dissen.*

#### THE LOAN BILL.

The House again went into Committee of the Whole; on the Loan bill.

Mr. CHEVES, of South Carolina, (the Speaker,) took the floor, according to the intention he announced yesterday, and spoke as follows:

Mr. Chairman, I shall follow the example which other gentlemen have established—I shall not confine myself to the question which is immediately presented by the bill, but look briefly into the prominent subjects which the discussion has presented. I shall say very little of the loan, or the general finance of the Government. On the subject of our finances I have for the last two years occupied much of the attention of the House, and am very well disposed to leave the subject to the better abilities of the gentlemen to whom the House has particularly confided the management of that part of its business. It is, indeed, true, that the system of finance on which the Government is acting, is different from that which I deemed proper, and which I made some endeavors to accomplish; which I supposed it would

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have been expedient to have adopted in a state of war, to put beyond peril the public credit, and to supply with abundance the ways and means to prosecute the war with vigor and effect. But I have no disposition on this or any other occasion to speak my private griefs; and I will only add, that I wish the measure all possible success; that I know the resources of the country are great; that I believe the ultimate security of the creditor to be unquestionable, and that the enormous interest given by Government (for such I consider the terms of the last loans to be) ought to attract every cent of the disengaged capital in the country—because in no other way can the holder invest his money which will give him so little trouble, so great security, and so much profit.

I shall not either examine the causes in which the war originated; because on this subject, when last I had the honor of addressing the House upon it, in the close of the 12th Congress, I spoke at great length, and, as I believe, I could add very little to what I then said, and cannot consent to repeat what I have said before: I shall barely advert to the causes of the war, for the purpose of examining that cause on which principally its continuance is, in my opinion, justifiable and necessary.

On the declaration and continuance of the war, I have the pleasure to concur heartily with my friends—and it gives me no small pleasure to do so; for although I have sometimes had the pain to believe that they were not disposed to allow me equally to rejoice with them in the honors and triumphs of the war, I do not therefore indulge a diminished willingness to bear a full share of the responsibility which attaches to those who declared and who have continued it to the present day. If for this cause they fall, I wish no exemption from a common fate. It is true, as an honorable gentleman from New York (Mr. GROSVENOR) some time ago remarked, on another subject, I have been decidedly opposed to the Government and the majority in their commercial policy. I have been opposed to what is usually called the restrictive system; but I think the gentleman did not correctly characterize my conduct when he said that I trampled on these laws. [Mr. G. said he did not mean to charge the gentleman from South Carolina with treating with any disrespect the laws of his country—but to say, that he had been actively and zealously opposed to their policy.] I know perfectly well, said Mr. C., the honorable gentleman had no wish to misrepresent my conduct; I have had frequent manifestations of his good dispositions towards me, which forbid me to suppose he intended to place my conduct in a point of view the least censurable or equivocal. But it may be necessary, and I take the occasion, to explain my conduct to the world. I shall always venerate the laws of my country, were it merely because they are the laws of my country, however zealously I may have contested their policy or may earnestly deprecate their effects. I have no wish to conceal my opposition to the restrictive system; and if I could at any time have believed that

greater activity on my part would have been useful, it should have been cheerfully yielded. I particularly rejoice, sir, at the resistance I made to one measure connected with this system, which was supported by a majority of my friends. I mean that which related to the fair and unfortunate traders who were supposed to have incurred the penalties of this system by the importation of their property from the enemy's country; and, if I could believe, as those who have been disposed to revile me have said, that my conduct had a decided influence on the ultimate issue of that measure, I should think my fate infinitely more fortunate than the general lot of men so humble as I am. I should know that I had lived for a great and important purpose; and rejoicing in the justice and usefulness of it, I should be careless of the odium which might have attached to the act. I thank God I have never found any difficulty in deciding between a just and a popular course. I have always been able to surrender the high blandishments of popularity (though on this subject I affect no peculiar insensibility) without a pang, and to embrace with cheerfulness the homely comforts of conscience and of duty.

The principal causes in which I believe the war originated, were the operation of the British Orders in Council on our commerce, and the impressment of our seamen. These were distinguishable from the other causes of dispute between the two countries by this striking circumstance, that they were always present, active, and progressive. If our causes of complaint had been confined to past injuries and insults; if we had only to suffer the loss of the many millions of money of which Great Britain had robbed our citizens by her depredations on our lawful commerce, we might and probably would have continued to remonstrate and negotiate, and still have avoided war, to which our Government has an aversion so strong as to wear the semblance of pusillanimity. But it was the daily continuance of the injuries, the incessant infliction, and the absence of all hope that these injuries were to end, that drove the nation necessarily and unavoidably to resistance; unable to carry the productions of our own soil on the highway of nations—the great ocean—of which, like the light and air, it was intended by nature none should have dominion, to ports not blockaded, without exposing them to inevitable capture, and this often in the mouths of our own harbors, was a situation which affected vitally not merely the interests but the independence of the nation. To have endured it would have sunk us to a rank so degraded among nations, as could not have failed to draw upon us the everlasting contempt of the world. I have, however, no hesitation in admitting, for I shall speak with the utmost candor on the subject, that, had I known of the revocation of the Orders in Council at the moment of the declaration of war, I would not have voted for it; I speak only for myself, though I believe I am not singular in this view of the subject. I am even willing to admit, though on this point I

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know I differ from some of my friends, that the revocation of which we were afterwards informed, as it was explained by the Ministry to Parliament, would have been to me satisfactory. But whatever the effect of this revocation might have been in preventing war, had a knowledge of it in this country preceded war, yet the subject presents a very different aspect after war has been declared. It is impossible not to see and to feel that, were we to make peace without any security against that abuse of our rights which formed the other great cause of war, it would be an obvious and unequivocal submission to the claim of right which the enemy sets up, and to the injurious and abusive exercise of this claim which we have so long suffered. This idea is strongly presented by the reflections with which I commenced in speaking of the nature of the principal causes of the war: namely, that it is not an injury, no matter how great in extent, which has ceased to be active, and which has therefore lost in a great degree its offensive character, but one which is daily and hourly repeated, intermitted only by the existence of actual war, under circumstances too intolerable to be borne by a nation not dead to all the feelings of honor and of shame. Exemplify the result of a peace without any arrangement on this subject; if it would not leave the Government the ordinary means of remonstrance, it would leave nothing but a disgraceful submission to the insulting injury. Now I aver that the ordinary means of remonstrance would not be left to the Government. These means enable it to state not only the injustice of the cause of complaint, but that, if persisted in, it will lead to national resistance—to war. But were we to conclude a peace with Great Britain without any arrangement on this subject, should we be able to say to her afterwards, desist or war will be the consequence? No, she will reply; it is not cause for war, for you have yourselves when it continued a subsisting injury, when our pretensions were unabated, and our practice unrestrained, except by the existence of war, actually abandoned a war in which you were engaged with us for this very injury. It would, therefore, be absurd to suppose that you would make war for a cause which did not forbid you to make peace. On this principle I justify the conduct of the Government in rejecting the armistice proposed by Admiral Warren. That proposition denied even a temporary suspension of the abuse, and therefore left us no hope of a permanent security against it, the expectation of which alone could have recommended either an armistice or negotiation. On this subject let me say, that it is not contended by this Government that Great Britain shall renounce the claim of right, as the only condition on which it will put an end to the war. When I say this, I deem it necessary to declare, that although I speak with great confidence, I do not find my opinion on any knowledge of the counsels of the Executive branch of the Government. Of these I have no knowledge, but I speak from its public acts, from the public declarations

of those who have its confidence, and from the evidence of circumstances which surround us. From all these I have no difficulty in saying, that all this Government demands is a reasonable and practicable security against the abuse of the practice; and I venture to say, that were the minority in power to-morrow, they would not conclude a peace on terms less favorable; they will not, as the minority of this body, declare that peace ought to be made without this security. They will not venture to meet the people of the United States with such a declaration. If they do, the majority need not fear the consequences.

I pass from the causes to the conduct of the war. The past conduct of the war; this, I think, cannot be defended, and as I have not been an indiscriminate supporter of the measures and policy of the Government, so I will not be an indiscriminate apologist of the conduct of the war. But although it cannot be entirely defended it may admit of some excuse. When it is recollected that this nation was roused by the declaration of war from the slumber of thirty years of tranquility and peace; that it was without officers of experience; without military science or military establishments; when we recollect the comfortable mediocrity of fortune which our citizens enjoy, which gives them homes and families from which they reluctantly part; when we recollect the high spirit of liberty which is breathed by every man in our free and happy country, where the poorest man sees in the most exalted only his political equal, which, however great the political boast, is yet a circumstance the most incongruous with the spirit of subordination, and the habits of discipline and obedience, which are necessary to form soldiers; when with such means and of such materials our army was to be formed, we ought to have been prepared for many of the disasters and disappointments we have suffered. But just in proportion as we should have expected disastrous results we confidently relied upon success, and the public mind was consequently prepared to magnify our misfortunes, and to look at the future with despondency. From this cause we have been able to see but one side of the picture. Could we penetrate the councils of the enemy, and enter into his sensibilities, we might discover that our misfortunes have been magnified, and our successes diminished, by the optics which have heretofore presented them to our view. Let us compare our own situation with that of the enemy; let us enter into his sensibilities and disappointments and compare them with our own. There are but two signal instances of discomfiture of which we complain. The first in the surrender of Detroit, and the second in the failure of the expedition against Montreal. These are our principal misfortunes. On the other had, we can boast the destruction of Proctor's army, and the successful attack and capture of York. Let us take the enemy's view of these events. Neither of the officers of the enemy who commanded on these occasions has been since employed.

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Proctor has suffered the severest censure, in the general orders of the Commander-in-chief, that language can express, and Sheaffe, it is understood, has been sent to England, perhaps for trial for his misconduct. The enemy, then, supposes our successes on these occasions, however we may regard them, as heavy misfortunes to his arms. The victory of Harrison was such as would have secured to a Roman General, in the best days of the Republic, the honors of a triumph. He put an end to the war in Upper Canada. The attack on York was highly spirited, and the success was brilliant and complete; and this, too, under the disadvantage of having lost the commanding officer, the gallant Pike, at the moment when the harvest of victory was to be reaped. The war on the land has not, then, been so disastrous or so dishonorable as we have sometimes supposed.

But on what principle, in estimating the character and effects of this war, are gentlemen authorized to separate the operations on land from those on the ocean and the lakes. I claim not exclusively for my own political friends the honors of our naval triumphs. I was among the first to accuse them of their neglect of this service, and to urge them to cherish and support the Naval Establishment. But I cannot either allow to the gentlemen in the Opposition the claim which they affect of being the exclusive friends of the Navy. They have discarded the man (the late President Adams) who was its greatest patron, and rejected from the times which they love to call their own, the period in which it received its greatest and its happiest impetus. But let its patrons and its friends be whom they may, I have a right to claim its merits for the country; and when we connect our naval deeds with the other events of the war, who will venture to say this has been an inglorious war? An inglorious war! Insult not the gallant men who have fought and bled in your battles, and yet live with high claims to your applause. Tread not so rudely on the ashes of the heroic dead. Could the soul of Lawrence speak from the cerements which confine his mouldering body, in what appalling language would he rebuke the man who should assert that the contest in which he so nobly conquered and so nobly died, was an inglorious war! Will you tell that worthy man,\* who fills with so much fidelity and usefulness a station in your service on this floor, that this is an inglorious war? He has beheld one son† triumph over his country's foe, and live to hear and to receive the applause and gratitude of his country. He has seen another‡ fall in the arms of victory, heroically aiding in an achievement, which if it be not unparalleled is certainly not exceeded in the annals of history. Happy father! yet I would call him a miserable and hopeless man were this an inglorious war. But I must call him a

most happy father, for God and nature have implanted in our bosoms a principle which elevates us above the love of life and friends, and makes us think their loss a blessing when they are yielded up in the cause of a beloved country, on the altar and in the spirit of patriotism. It is this principle which makes that excellent father reflect not merely with composure but with pleasure on the child of his love giving up his life in battle; his blood mingling with the wave and his body entombed in the bosom of Erie. Yes, he would rather feel the consciousness that his gallant boy fought with Perry and died in the glorious battle of the 10th of September than now embrace him in his arms, again animated with the strong pulse of life—again pouring into the parental bosom his filial duty and lighting up a father's pride and joy!

We are naturally led to speak next of the future conduct of the war. It is said that the negotiations which are pending should make us relax in the prosecution of the war, and confine our operations to the single object of our own defence. It would be sufficient to oppose this advice by the practice of every country and every age, by one of the best known maxims of national policy—that your preparations should be greatest at the moment that you most anxiously desire and most earnestly seek peace; and by one of the most frequent results of national experience, that exactly in proportion to your ability to do your enemy injury do you negotiate to advantage. Let us suppose the negotiation to fail, and in the meantime we neglect the establishment of an efficient army, what disgrace and what calamity might not be the result! We are told that our past misfortunes should admonish us of our inability to wage the war upon the land, and we are particularly advised not to attempt the invasion and conquest of Canada. Our misfortunes, it is admitted, should lead us to the practice of caution, but should not deter us from the exercise of our faculties; they should rather animate us, as we may hope to remove their causes, to more vigorous efforts. I should consider the prevalence of the opinion that the nation was unable to wage this war as one of the heaviest calamities it could suffer—as the very greatest calamity it could be doomed to suffer. But I am sure there is no foundation for the opinion, if the power and resources of the nation be properly called forth and employed. The invasion of Canada is supposed by gentlemen in the Opposition to be the most exceptionable way in which the war can be waged. It is said Great Britain will not surrender Canada, and that it is therefore useless to take it, as the war will be rendered interminable should we attempt to retain it. But as it is seen that the retention of Canada is not a necessary consequence of its conquest, or the only way of making it useful in that attainment of the end of war—a removal of the principal causes of war—it is found necessary to give another basis to the argument, and it is said that Canada is of so little consequence to Great Britain, that she will sacrifice it rather than give up any important com-

\* Mr. Claxton, one of the officers of the House.

† Lieutenant Claxton who was on board the Wasp when she captured the Frolic.

‡ Midshipman Claxton.

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mercerial right or privilege. I shall not stop to notice what appears to be an inconsistency in these arguments; but say it is denied that this Government claims of the enemy the surrender of any important right or privilege. It claims not even a surrender of the pretended right of searching our ships for her seamen. We only ask an arrangement which shall prevent an abuse of the practice, as the eloquent gentleman from Georgia (Mr. FORSYTH) has demonstrated from the correspondence with Admiral Warren. We demanded only a security against the abuse of her power which shall exempt our own seamen, our own citizens, from the intolerable outrage of impressment, and this I say Great Britain will grant us rather than surrender Canada, or continue the war, unless we suffer it to languish.

I agree with gentlemen who say that Great Britain will not surrender Canada. Its value for its trade and supplies is not the favorite view in which that possession is considered by the British nation. It is connected with the most brilliant era of her history—that of the wars of Chatham. They would part with twenty sugar islands rather than give up the barren rock of Cape Diamond. They consider it as one of the most brilliant ornaments of the British Crown. It is inseparable from events which emblazon the pages of their history—which animate the eloquence of their orators—which give confidence to their statesmen, and inspire with valor their soldiers, and with patriotism their people. The peasant, who has not learnt his alphabet, can read in that possession his country's glory, and in a rapid and intuitive glance see the pride and power of France and Spain humbled by the British arms. In imagination he stands upon the cliffs of Quebec, and, looking down from the fearful height on the flood beneath, admires the daring valor which ventured to assail its lofty battlements. In imagination he treads the plains of Abraham, and talks (as he had heard his fathers talk) of Wolfe and of Montcalm, and how they beat the French, and how the manly, mighty counsels of Chatham elevated the character of his country, and spread her glory through the world. Now, sir, it appears to me that this state of things presents the happiest means of carrying on the war with a reasonable hope of attaining its just object—an honorable peace. We have at our doors, within the reach of our most effectual blows, a possession highly vulnerable, which our enemy greatly prizes, and will most reluctantly suffer to be wrested from him. Consider these circumstances, and connect them with the many other inducements which Great Britain has to make peace with us, and it would seem, if we are true to ourselves, if we exhibit an honorable spirit, and make a manly effort, we will effect an honorable peace at no distant day.

Sir, Great Britain needs, and ought to desire, a peace with this country. What inducements has she to continue the war? All we demand she can grant without affecting her interests, her honor, or her pride. We only want a security against the abuse of her power. By the contin-

uance of the war she cannot add to her power, or her glory, or her gains. How can she add to her power? No one imagines, if she could conquer, that she could retain a foot on our territory. Her glory? On this point she has everything to lose and nothing to gain. Could she capture every vessel of war we have, when the superior force with which she would do it is considered, it could add nothing to her national renown. It is a war which can yield her no laurels. Nor can it yield her any pecuniary advantage. This is to be sought with us in the paths of peace. What on the other hand are her inducements to put an end to the war? The expense of the war is alone sufficient. It is a war on her part whose effects can bear no proportion to its expense. It is in its nature vastly expensive and burdensome to her. Recollect the vast expense she incurred in our Revolutionary struggle, which heaped up so immensely her national debt, and we will be able to form some opinion of the probable magnitude of her expenditures in this war. It will be a moderate estimate to say that it costs her double the sum we expend, and that will make this war, in which she cannot boast a trophy or risk a hope, cost her fifteen millions of pounds sterling per annum. More, probably, than the war she has lately carried on, with so much glory, in Spain and Portugal. More, certainly, than she expends to animate and sustain all the allied Powers of the Continent in the great contest in which they are engaged. But what renders this expense more burdensome and embarrassing is, this is a war in which the expenditure is made abroad. Were three times the sum expended in the Kingdom it would less distress the nation. It would then only change hands—it now passes entirely away. At the same time, too, that she makes this great and useless expenditure, she is obliged to support the war from Spain and Portugal, and to subsidize the Northern allies. These expenditures also are made abroad, and all these together must produce inconceivable embarrassments in their trade and finance. I have no allusion whatever to the old and the wild notion that Great Britain cannot support her credit, and that she must sink under the immense burdens of her debt and her expenditures. I acknowledge the vastness of her ability, and that were it necessary to preserve great and important rights she could make yet greater expenditures. But the exertion would not be natural; it would be distressing; and would not prove that her best and most urgent policy is not to lessen rather than increase her expenditures. Let it not be supposed, that, from the successes of her own arms, and the arms of the allies, she is relieved from the pecuniary demands she has hitherto borne; on the contrary, her allies are exhausted in their finance, and look to her alone for pecuniary support, while the moment of fruition, that of the consummation of hope long indulged, presented in near prospect, urges them to every exertion they can possibly make to secure the object for which they have so long sighed, and for the attainment of which they have expended so much blood and treasure. It

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is a moment when they must grant everything—it is a moment in which they may be called upon to make yet greater exertions and greater expenditures than any they have hitherto made—it is a moment in which the most obvious policy would direct Great Britain to meet us amicably and treat us justly; and nothing more is necessary to put an end to this war.

There is another very powerful reason why Great Britain should desire peace with us—this is founded in the advantages of our trade. I know we have overrated the influence of our trade as a measure of coercion, but it is notwithstanding unquestionably highly valuable to her. The loss of it would not induce her to make a great sacrifice of interest or feeling, but at any moment when she should suffer no motive but her real interests to govern her, it would be a very powerful pacificator. We were, when a good understanding subsisted between the two nations, her best customer. We took from her two-fifths of all the exports of her woollen manufactures, which she always considered her great staple, and a vast, if not an equal amount of her cotton goods, besides other articles; and when peace shall be again restored, we shall again be her best customer; for, whatever may be thought to the contrary, there will be no changes wrought by the war, unless it be very long continued, which can materially alter the commercial relations of the two countries; and she may justly hope, on the restoration of peace, for a restoration of our valuable custom as a purchaser of her manufactures. Our trade is rendered even more necessary to her by the great demand which is said to exist for her manufactures for the markets of other countries, because we furnish the raw materials of many of them, of better quality and on better terms than any other country can. They cannot, for example, from all the colonies of the world, completely substitute our cottons—their endeavors to establish the affirmative of this proposition, to my mind, very satisfactorily show a material dependence upon us for this article. Does it not then seem that the terms which we demand of the enemy are reasonable and attainable?

I come now to speak of that subject which was my principal inducement to claim your attention in this debate—I allude to the question of retaliation. The conduct of the Government is not only condemned in this particular, but it is also said we ought not to prosecute the war against Canada lest it should provoke the enemy to give occasion for the exercise of the retaliation which we have threatened. Let us see what foundation there is for this humiliating doctrine. This question is one of the gravest and most solemn character; affecting deeply the honor of the country, the duty of the Government, and the lives of our citizens. I wish, for the last reason, it had been the pleasure of the gentlemen of the minority to have passed it over in silence. I think it would have been safest and wisest. I pretend not, however, to dictate the conduct of other gentlemen, but I must be permitted to enter my protest against the doc-

trines which have been maintained on the other side of the House on this subject. I think, but I wish to be understood as speaking with a proper deference for the opinions of other gentlemen, this subject has been very erroneously considered. It has been made by the combatants on either side to depend altogether on the question of expatriation, when it has very little and very remote relation to that question. But, as the inquiry is one of very great importance, I hope I may be pardoned for discussing it first in the way in which it has been heretofore generally treated, in order that I may draw the subject from thence, without any violence to the common mode of thinking, into that point of light in which I suppose it ought to viewed.

To speak, then, of expatriation. The right of expatriation, which is broadly and generally affirmed on the one hand, is on the other rebutted in equal extent, by the claim of perpetual allegiance. These may be assumed to be equivalent questions. The affirmation of the one is the negation of the other. This it may be material to remember; because it will be necessary, in the course of the argument, to show that naturalization, which is generally considered as destructive of perpetual allegiance and synonymous with expatriation, is really not so. Perpetual allegiance is alleged to be founded on natural law, the positive law of nations, or the municipal law of each State. We will examine each; and first, the law of nature. To determine what is the law of nature, the simplest way may be, not to embarrass ourselves with equivocal definitions, but to look at things through our best judgments, with a view to discover their just fitness and connexion. We may call in the aid and authority of writers of character and reputation, and with these lights seek our conclusion. In this view we are able to discover but two principles or pretences on which the duty of perpetual allegiance is affirmed, or the right of expatriation denied. These are the necessities of the State and the gratitude of the subject. These are the only grounds stated by Vattel, to whom alone I shall refer as my authority for positions of natural and national law, because I can refer to no better authority, the more especially as on the points for which I shall use him, I believe he agrees with all other writers. (a)

The obligation resulting from the necessity of the State, can apply to none but extreme cases—such, for example, as the instance of invasion, or the case of war, when great numbers should suddenly abandon the State—a necessity that neither does nor can exist in relation to the few scattered instances of expatriation which the practice and experience of nations have hitherto exhibited to our view, and which form the whole of the instances about which we reason; nor can it form any foundation for perpetual allegiance in the extent in which it is claimed; which is not confined to cases of extraordinary character, such as I have mentioned, but embraces every subject born in the country, and is neither limited by time nor circumstances.

The extent of that obligation, which is founded



on the gratitude of the subject, must bear some proportion to the benefit that he has received and the favor that the Government has conferred. Now what benefit has the subject received? When in a state of infancy, he has been protected and permitted to live up to adult years in security and peace. But has this benefit imposed an obligation which has no limits, which is commensurate with every faculty, mental and physical, which the subject possesses, and coextensive with the duration of his life? Those who form a State at given time, repay, by the services of the time, the protection of the Government for the same period. The services of the ancestor are a full equivalent to the sovereign for the protection which is enjoyed by his offspring as well as himself; and the son, when he arrives at adult age and is able himself to serve the State, is nothing in arrears to the Government. Put the case of any actual society or population. Is not the protection of the Government fully repaid by the gross population, including the young and the old, at any given period? The adult it may be admitted owes a debt of gratitude to some one for the care and assistance by which he has been reared; to his parent, if you please, but certainly not to the sovereign, who, it is seen, has received a full equivalent for the protection which the subject has enjoyed. There appears, then, to be no foundation for the claim of perpetual allegiance in the necessities of the State, or the gratitude of the subject for the benefits he has received. I will illustrate the argument in relation to the last of these pretences by the case of parent and child. The gratitude due by the citizen to the sovereign cannot be greater in the opinion of those who most revere the obligation, than that of the child to the parent—yet there is no man who would not be shocked at the injustice of the parent who should claim from his child perpetual servitude, as a debt of gratitude for his nurture.

Is there anything in the general nature of government which will authorize the doctrine of perpetual allegiance? I do not mean any particular Government, but government in its essential form. The very argument in which we are engaged seems to furnish the evidence on which we must come to a negative conclusion. It proves, to say the least, that the claim of perpetual allegiance is a question of great doubt. But the natural right of man as he existed when independent of government, in a state of nature, (and though we are not reasoning of men who have ever been in this state, it is fair and necessary, in order to ascertain his actual situation, to advert to this possible state,) to go where he pleased and to serve whom he pleased, was clear and indubitable. The state of the fact, then, is this: His original right is clear, but his subsequent obligation is doubtful, and therefore, unless the less shall more than counterveil the stronger proof, the conclusion ought to be that he is not bound to perpetual allegiance.

But let us continue the inquiry. Is there anything in the general nature of Government which will authorize perpetual allegiance? What is

the foundation of the power of Government? Is it not clearly and obviously territorial jurisdiction? How else can we suppose it to exist? Government must be located. It must exist within territorial limits, or with reference to territorial limits. Its basis, then, is territorial jurisdiction, and its authority is co-extensive with its territorial limits and the extension of its territorial power. If we seek for examples, we shall find that its authority ceases where these cease, and extends where these extend. In relation to territorial limits, the idea is easily and perfectly conceived; but, of the extension of territorial power, it will be necessary to speak and to state the instances, which will at once illustrate the argument and establish the rule. There is the instance of the territorial jurisdiction of Government beyond its territorial limits to the distance of a certain number of leagues from the shore; there is also the instance of ships, whether vessels of war or merchant ships. The idea that has been expressed by the phrase, "a ship is a floating colony," I know has been lately derided; but it was once an approved and accepted doctrine with those who now so contemptuously reject it. It was no other than this principle on which the celebrated case of Jonathan Robbins was decided. This formed the basis, if my memory does not much deceive me, of the argument on that subject of the distinguished man who now presides, with so much advantage to the country, and honor to himself, over the highest judicial establishment in the United States, (Chief Justice Marshall;) and it is a principle perfectly well established in the law of nations. Nor is there any distinction, in the principle itself, between ships of war and merchantmen; the one has prevailed in practice—a distinction which has grown up lately, and which originated in the prudence of nations. This has established the exemption of ships of war from search; but this exemption is evidently founded on a desire to avoid the frequent hostilities which would result, and not from the mere consideration of the power which distinguishes a vessel of war from a merchant ship. The relative power of a vessel of war carrying a few guns, and a merchantman, to that of a ship-of-the-line, is not materially different. It is not the mere warlike efficiency of a vessel which extends the power of the Government, but the ensign of its sovereignty which represents its territorial strength. This extension of territorial power embraces also the armies of a nation—as far as its ships can sail, or its armies march, the territorial power of a nation is extended. This doctrine is neither new nor controverted. Vattel agrees with all other writers on the subject, and he clearly establishes all the positions I have laid down. (b)

But the authority of Government is circumscribed by its territorial limits and the extension of its territorial power. It seems to result, then, that the law of nature, as it grows out of the moral duties of the subject to the State, or out of the essential nature of Government, does not establish the claim of perpetual allegiance.

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The positive law of nations, which is the next ground on which this claim is to be sustained, is formed of the treaties and usages of nations. These are almost silent. There are, perhaps, no subsisting treaties or reciprocal usages on the subject; but, as far as the past history of nations affords any examples, they appear to be opposed to the claim of perpetual allegiance.

It remains for us to consider how far the municipal laws of nations, respectively, establish this right. And here I readily admit, that the municipal laws of England do establish the doctrine. I think, too, that the municipal laws of other nations generally accord with those of England on this subject. I then, at once, concede to the gentleman from New York (Mr. GROSVENOR) all that he so zealously endeavored to prove by the learned and able argument which he submitted to you the other day—that the municipal laws of England, and of nations generally, enjoin upon the subject the duty of perpetual allegiance. And I admit, further, that is of no practical consequence to say that it is neither supported by the moral duties of the subject, nor warranted by the essential nature of Government. It is enough to say, that it is enforced by the sanctions which secure obedience to all municipal laws; though it be not just, it does not cease to be obligatory wherever municipal laws can operate. But the gentleman from New York, and those who reason with him, having established the doctrine of perpetual allegiance, at once assume, in substance, though not in express terms, a distinct proposition, equally necessary to their conclusion, which they have not proved or even attempted to prove—namely, universal allegiance. I doubt whether my meaning, in the use of this term, may be clearly understood, and therefore I will define it. It is intended to say, that the allegiance claimed is not only co-extensive with the territorial limits, and the extension of the territorial power of the natural sovereign, but also goes with the subject into the territories, and under the territorial power of every other sovereign under whose jurisdiction he may reside. The argument of the gentleman, it is admitted, establishes perpetual allegiance; but it assumes that this perpetual allegiance is also universal. Now, the latter is denied, and clearly does not exist; he has offered no proof to establish it; and, if we recur to the principles which we have already proved, it will appear satisfactory that it cannot exist. It has been proved that the power of a Government is only co-extensive with its territorial limits, and the extension of its territorial power. Beyond these, it can neither enforce duties nor extend protection. Now, the basis of allegiance is protection; and all legal duties must suppose, at least in theory and in the nature of things, an ability to enforce them; but, beyond the territorial limits and the extension of the territorial power of a Government, neither of these exist, nor can, in the nature of things, exist; and of course, beyond these, allegiance must cease. It will be no reply to this argument to say that, on the return of the subject to the dominions of his native sovereign, his alle-

giance is restored. It is admitted that allegiance is not limited by time, but it yet remains to be established that it is not limited by space; that, when out of these dominions, the citizen is subject to a power which in its nature only can exist within them. Nor will it be more material to prove that, on the return of a subject to his native country, he may be punished for any offences—denominated such by the internal laws of the State—which have been committed without its limits; for that will only prove that the sovereign authority is uncontrollable within the territorial limits of the State; that it may enforce unjust laws, and inflict unjust punishments. But it is sufficient for the present argument to say, as will be proved hereafter, that, when taken in arms, he is protected from the operation of municipal laws by the laws of arms.

It has even been contended, that we have not the right to naturalize the subjects of another Power, in such a manner as to impose the obligation of bearing arms against that Power, even within our own territory; and that, if our Constitution and laws speak a different language, they are nugatory. All nations, speaking generally, have, indeed, claimed the duty of perpetual allegiance; but the same nations, at the same time, have exercised the power of naturalization; the British nation, particularly, without any formality of process, naturalizes the subjects of other Powers in the most extensive sense of the word. Our Constitution, on this subject, is as explicit as language can make it; and it is hardly fair for gentlemen to take for granted that all the great men who framed and signed that instrument, with WASHINGTON at their head, were so grossly ignorant of the relative rights and duties of nations as this argument necessarily supposes. Let me say to these gentlemen, that I have understood, and believe, this provision of the Constitution was introduced into the instrument by a gentleman (Alexander Hamilton) who, I acknowledge, was a very great man, and to whose memory they are not unwilling to pay the highest honors. Will the gentleman say he was thus ignorant of the relative rights and duties of nations?

After these views of the subject, we are prepared to reconcile, with the laws and practice of nations, the apparent paradoxes, with the absurdity of which the disputants on either side of this question have charged each other. It is said, that perpetual allegiance is incompatible with naturalization; and, therefore, that all Governments which naturalize, to be consistent, must abandon the claim of perpetual allegiance. On the other hand, it is said allegiance is perpetual, and therefore you cannot naturalize. But these are mistakes; for allegiance being only co-extensive with the territorial limits, or the extension of the territorial power of a Government, each operates within a sphere which is exclusive of the sphere of the other. Thus the claim of perpetual allegiance and the right of naturalization are compatible, and the practice of nations ceases to be paradoxical and absurd. Again, it is said that naturalization is practised by all Governments,

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and that all Governments, to be consistent, should concede the right of expatriation; but this is also a mistake, for expatriation implies a total release of the subject from his allegiance, as well when without as on his return to the territory of his original sovereign; while naturalization is, in its operation, only co-extensive with the territory and the extension of the territorial power of the adopted sovereign. It is, then, not paradoxical to say, that Governments deny the right of expatriation, and exercise the power of naturalization; accordingly, we find that Governments generally have denied the right of expatriation, and have exercised, at the same time, the power of naturalization.

But I repeat, and I will now endeavor to prove, that the question of retaliation has been very improperly connected with those of perpetual allegiance, naturalization, and expatriation. Perpetual allegiance is indeed so far connected with retaliation as to be the pretence under which, sometimes, that act of an enemy is committed which renders retaliation necessary, and naturalization is so far connected with it, as to increase the obligation of the adopted sovereign to retaliate for the injury done to the naturalized citizen, as the ties that bind them together are more close and numerous, and more solemn, than those which connect a sovereign and the stranger who merely bears arms in his service. The foundation, however, of the right of retaliation is not at all formed by these ties; but by the laws and usages of civilized nations in war. The proper mode of discussing this question was well indicated by the example of the venerable gentleman (Mr. FINDLEY) from Pennsylvania, and has been pursued, with great success, by the gentleman (Mr. ROBERTSON) from Louisiana, the latter part of whose speech, that which was delivered during the last ten minutes he addressed you, was in my opinion, worth all (I deny not the abstract talent displayed by others) that has been said within as well as without these walls on the subject, because he proved by the best example what is the usage of nations on this point; which at once presented the proper mode and the true object of inquiry. Before the mitigated practice of modern times had softened and civilized the character of war, it would have been considered absurd in the victor to talk of his right to punish the vanquished, as a traitor under the municipal laws of his native country, when he had been taken in arms against it. The rights of war gave him the readier means of his sword and his will. Amidst arms, municipal laws are correctly said to be silent; the original right of the victor was to put his prisoners to death—this is still his extreme right and still exists in such degree as to merge and in effect to annihilate all other rights over the captive, but it is a right controlled by the mitigated usages of modern times, and these usages have become the established laws and rights of civilized war. Examples of these mitigated usages are numerous. The property of the subjects of an enemy is on land generally held inviolable. Persons not belligerent, though ene-

mies, are not even treated as prisoners of war. On the ocean they are suffered to pass unmolested, and are often, within the territory of an enemy, permitted to reside in peace, protected by the laws of the State. But above all, the life of a prisoner of war is to be held sacred, and he is to be treated with humanity and kindness. Engrafted on these usages, to secure them from violation, arose the practice of retaliation, which, far from being, even where it extends to the deprivation of human life, an act of cruelty, is, when soberly and correctly, though sternly and inexorably applied, sacred to humanity. Were it not for this sanction, we should probably soon bid adieu to the civilized and mitigated character of modern war, which would assume its ancient ferocity. Acts of retaliation are like judicial sacrifices on the altar of justice, in which, though humanity may weep, the offended laws must be satisfied. If it be replied that the instance is dissimilar, because the subject of retaliation is innocent, it is answered that the victims of war are generally innocent. It must be ever a subject of lamentation when we are obliged to take the life of man. It is still more a subject of lamentation when the blood of the innocent is shed, but the condition of humanity sometimes requires and justice sometimes commands us to do both. It is however said, that though retaliation be admitted to be a general right of war, yet when the natural sovereign finds his subject in arms against him, he has a right to punish him as a traitor, and that the sovereign in whose ranks and under whose colors he fought has no right to retaliate. But has not this argument been already refuted? Has it not been proved that all the rights of the victor over the captive are merged in those of war? There is no collision between the municipal laws and the laws of war. The captive is a prisoner of war and in this character never becomes subject to any other than the laws of war.

But it is attempted to be proved, by legal and historical instances, that Great Britain has punished her subjects who have been taken in arms against her, and thence it is inferred that this is the law of nations generally and of war. Were the premises admitted the conclusion would not follow. But these examples only prove exceptions to the general rule. They are cases in which power and violence have trampled on law and principle, because no national or other arm of sufficient vigor was interposed to protect and save the victims. The instances which have been mentioned are generally those which grow out of civil wars, and occurred at times when all resistance to the Government had been put down, and there remained no ability in the vanquished to execute retaliation. Such were the cases of *Æneas McDonald*, *Colonel Townley*, and others. In that of *Doctor Story*, which was most relied upon by the gentleman from North Carolina, (*Mr. GASTON*), though he had become a Spanish subject and resided in the dominions of Spain for some years, yet he had returned to England and there had committed treason. On such a case there could be no question. [*Mr. GASTON* said

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this case was generally misunderstood, and was taken to be such as had been just stated by the gentleman from South Carolina—but in Dyer's Reports, where the case was best reported, it would appear that the treason was committed in Flanders.] I am glad, said Mr. C., that the gentleman has corrected me. I should be very sorry to misrepresent the argument of any gentleman, and especially that of one whose conduct in debate is so fair and honorable as that of the gentleman from North Carolina. I have not examined the case particularly, because the principle of my argument admits these cases. My object was merely to class and characterize them. Let it not however be understood, when I say that most of the instances relied upon occurred in civil wars, that therefore I admit them to have been authorized by the laws of war. On the contrary I will demonstrate, that even in civil wars, the law of nations protects the life of the captive who has resisted his natural sovereign, and secures him the rights of a prisoner of war, according to the usages of modern times. That when these rights have been violated, retaliation is authorized, and that history records the instances in which it has been successfully exercised. I hear it suggested (by Mr. GROSVENOR) that in civil wars this may be the law and usage of nations, but that it is otherwise when the subjects of one sovereign join the arms of another sovereign with whom he is at war. This does indeed seem to be a very extraordinary distinction—it does appear to me that if this inviolability of the captive can be established to be the law and usage of war in civil contests, it is *a fortiori* proved to be the law and usage of national contests. A single authority will put the first of these positions beyond doubt. *Vattel* says:

"A civil war breaks the bands of society and government, or at least, it suspends their force and effect; produces in the nation two independent parties, considering each other as enemies and acknowledging no common judge; therefore of necessity these two parties must, at least for a time, be considered as forming two separate bodies, two distinct people; though one of them may be in the wrong in breaking the continuity of the State, to raise up against lawful authority, they are not the less divided in fact; besides, who shall pronounce on which side the right or the wrong lies? On earth they have no common superior. Thus they are in the case of two nations, who, having a dispute which they cannot adjust, are compelled to decide it by force of arms.

"Things being thus situated, it is very evident that the common laws of war, those maxims of humanity, moderation, and probity, which we have before enumerated and recommended, are in civil wars to be observed on both sides. The same reasons on which the obligation between State and State is founded, render them even more necessary in the unhappy circumstances when two incensed parties are destroying their common country. Should the sovereign conceive he has a right to hang up his prisoners as rebels, the opposite party will make reprisals. If he does not religiously observe the capitulations, and all the conventions made with his enemies, they will no longer rely on his word. Should he burn and destroy, they

will follow his example; the war will become cruel and horrid; its calamities will increase on the nation. The Duke de Montpensier's infamous and barbarous excesses against the reformed in France are too well known. The men were delivered up to the executioner, and the women to the brutality of the soldiers. What was the consequence? The reformed became exasperated; they took vengeance of such inhuman practices; and the war, before sufficiently cruel, as a civil and religious war, became more bloody and destructive. Who could, without horror, read the savage cruelties committed by the Baron des Adrets? By turns a Catholic and a Protestant, he distinguished himself by his barbarity to both sides. At length there was a necessity for departing from such affectations of juridical superiority against persons who could support their cause sword in hand, and of treating them not as criminals, but as enemies. Even troops have often refused to serve in a war wherein the Prince exposed them to cruel reprisals. Officers who had the highest sense of honor, though ready to shed their blood in the field of battle, for his service, have not thought it any part of their duty to run the hazard of an ignominious death. Therefore, whenever a numerous party thinks it has a right to resist the sovereign, and finds itself able to declare that opinion, sword in hand, the war is to be carried on between them in the same manner as between two different nations; and they are to leave open the same means of preventing enormous violences and restoring peace."

Here, then, we see the reason on which the rights and usages of nations are applied to civil wars, is, that those who resist have swords in their hands, and become assimilated to independent nations.

In short, the basis of retaliation is humanity. As no nation or body of men will suffer their enemies to put those to death who fight under their banners, under any pretence whatever, interest, and fear restrain an enemy from putting his prisoners to death, when he knows the act will be retaliated. But, retaliation is always a question of expediency. If we were at war with a nation dead to all the sensibilities of our nature—a nation that would suffer, without remorse or feeling, its innocent subjects to become victims to a sanguinary violation, on its own part, of the usages of civilized war, we might be obliged to forbear, as we would know the object of retaliation would not be gained. But, for myself, I deem more highly of the British nation and Government. I do not believe the Government of that nation to be so wicked as to provoke the consequences which must inevitably follow the execution of the barbarous threat they have uttered—that they would treat as criminals the natives of Great Britain, who have been taken prisoners in our ranks. Deserters alone have been permitted to form an exception to the general rule, that the life of a prisoner shall be sacred; and the humanity of modern times has even contrived the means of saving the lives of deserters. Hence, the practice of permitting the garrisons of captured places to march out with a certain number of covered wagons, which are not to be searched. (*Vattel*, b. 3, ch. 8, sec. 144.) The reason given, is, that they have become numerous, and that

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humanity forbids their destruction—undoubtedly a very sufficient reason, but exactly the reverse of that which is sometimes urged in justification of the threat of the British Government. It is said, that in consequence of the sameness of language, similarity of personal appearance, connexions in trade, and ease and frequency of intercourse, those who join us are numerous, and therefore it is necessary to punish them when found in arms.

I must again bring to your notice the authority which was yesterday presented to you by the gentleman from Louisiana, (Mr. ROBERTSON,) because it bears so directly on the question before you, and affords the views and opinions of the legislators and statesmen of Great Britain herself, confirming entirely the doctrine on which the Government of the United States acts at this time.

[Here Mr. C. read several extracts from a debate in the House of Commons, on a bill to raise a corps of French emigrants, in which Mr. Burke was the principal speaker.] (c.)

Mr. C. continued. No human authority can be of more value than that of this great man, (Mr. Burke,) who at once teaches the doctrine, and gives the examples which establish that doctrine, in all the extent in which this Government claims the right to exercise it. It is true, that in this debate Mr. Sheridan attempts to destroy the value and impeach the accuracy of some of the instances which Mr. Burke had mentioned, but, as was to have been expected, he has not succeeded. Mr. Sheridan says, in each of the examples Mr. Burke had mentioned—

“Except with regard to America, he had entirely failed: The first is the conduct of the English with regard to the Irish regiments in the French service in the year 1745. A space of near sixty years had elapsed when they took some of them prisoners, but it was not very probable that many of those who left Ireland in 1689 returned to invade England in 1745.” “The next, he says, was the conduct of the French to Lord Ligonier, who was one of the French refugees, banished from France by the revocation of the edict of Nantes—which was in itself one of the most cruel and barbarous actions that ever disgraced history—in the year 1682, and he was taken prisoner in the year 1747—a period of sixty-five years. So that the probability is, that it was the father of his Lordship who was a refugee, or at least that his Lordship must have been a child in arms at the time.”

It seems to be a work of supererogation to attempt to support the authority of Edmund Burke; yet, it may be proper to say a few words in reply to these objections of Mr. Sheridan. Though it be true, as he states, that few of the Irish brigades who entered the French service in 1688, remained to invade England in 1745; yet, it is a fact, well attested by history, that these corps were afterwards kept up by the enlistment of the natives of Ireland—a fact which leaves the example at least equally strong. Admit, too, Lord Ligonier to have been a child in arms, but a native of France, is not the example one which is diametrically opposed to the doctrine of those who in

this argument deny the right of retaliation? They allow neither age nor circumstances to form an exception to the general rule.

I intended to have particularized many more examples, but the time I have already consumed admonishes me to forbear. The recent case of Napper Tandy is a strong one; but I mention it rather that it may be understood, and that its facts may be correctly stated, than to multiply examples. I think the gentleman from New York (Mr. GROSVENOR) stated that the ground on which he was pardoned was the circumstances of his arrest in a neutral territory—that of Hamburg—and that his pardon was granted in consequence of the interposition of the authorities of that city. But this cannot be. That Napper Tandy was in the service of France when he was arrested, and that his release was demanded by France, are facts that I take to be unquestionable. Retaliation was threatened, and I believe—I will not speak with confidence—the subjects of that retaliation were designated. To this interposition of France, Great Britain no doubt yielded. We know the great pains the latter took to obtain the person of this man. She not only violated the independence of a neutral State, but she interested Russia in the endeavor to get his person into her power. And it is not easy to believe, that, after all this had been done, she would have been moved to release him, from clemency to the individual, or respect to a weak State, whose feebleness had provoked so gross a violation of its independence.

But, there is another instance, in every respect more distinguished than any which have been yet mentioned, which may be adduced to support the doctrine that prisoners of war are not to be treated as criminals, though taken in arms against their native country. It is afforded by the conduct of the King of Prussia in the seven-years' war. He recruited his army from the neighboring States of Germany, with whom he was at war, and at one time enlisted *seventeen thousand Saxons*, who were not only the subjects of his enemy, but his prisoners; and yet we hear of no executions for treason, and consequently no instances of retaliation. It is from the general submission of the States of Europe to the rule of civilized war, for which we contend, that we find the subject of retaliation occur rather in treatises on the laws of nations, than in the examples of history. The instances are numberless in which subjects have borne arms against the sovereign of their native country, have been taken in arms, and have been treated as prisoners, while we have not had one single instance stated where the adopted sovereign has interposed his protection, in which it has not been effectual.

The gentleman from New York (Mr. GROSVENOR) has said this is a foreign cause. If I did not consider it to be an American cause, I would abjure and abandon it. I am not unaware, that, by the protection given to naturalized citizens, some men of the worthless and flagitious character, which was so strongly depicted by the gentleman from New York, will be embraced; but, the bounties of a Government acting necessarily

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by general rules, like some of those which Providence dispenses in this life, must fall without discrimination on the good and on the bad. The cause, however, is not therefore a bad or a foreign cause. It is the cause of the justice, the honor, the sworn faith, of the Government and the people—of the native people of the soil—who are bound to redeem the pledge they have given to their naturalized brethren to protect them. And, if some unworthy men take refuge under the sanctuary of its protecting shade, they will seek it, and enjoy it, as the felon was used to do who fled to the foot of the altar of that religion which he had trampled on and abused, but which did not therefore reject him from its holy asylum.

And now, sir, from all that I have said, I think I am authorized to conclude, that, while I admit perpetual allegiance to be a principle of the municipal law of England and of civilized States generally, the power of naturalization is exercised, at the same time, by all those States; and that they are compatible with each other. That the right of retaliation does not depend on questions of allegiance, naturalization, or expatriation, but on the laws and usages of civilized war. That these concede to belligerent sovereigns the right of protecting by retaliation, if necessary, not only their naturalized subjects, but all those who fight under their banners. That all persons taken in arms, without regard to their allegiance, are to be treated as prisoners of war, deserters only excepted—and that the fate of these also is generally mitigated.

I would add one word on the duty of the Executive. - It is the general duty of the Executive to protect by retaliation, if necessary, all those who fight the battles of the country. But this is a duty which is to be governed by circumstances, and to be executed with great caution and sobriety, but with equal decision and firmness. If Government has been pledged to protect those who have borne arms, whether naturalized or not, it ought to extend that protection at every hazard and by every sacrifice which may result from a judicious exercise of the right of retaliation. It ought certainly to embrace all naturalized citizens. In relation to British subjects, who have not been naturalized, who may be in the army, they ought to be permitted immediately to retire from the service, if Government has the least hesitation in extending to them an equal protection with its naturalized or native citizens. Indeed it appears to me it would be its best policy at once to permit every British subject in the service to retire—I believe it would not diminish our forces a battalion—and then steadily and firmly defend the lives of those who have been naturalized. Thus to circumscribe our duties and strengthen our resolution to perform them.

The gentleman from New York (Mr. GROSVENOR) has said, I believe, that if the Chief Magistrate execute this threat of retaliation, and one drop of American blood be shed in consequence, his soul will be crimsoned with it. I will, on the other hand, say, if he shall fail to retaliate, if circumstances shall unfortunately require and authorize such a conduct, whatever

may be the sentence of our day, posterity, judging more justly, will lament the degradation of the country, and will pity, if it do not more severely censure the weakness of the magistrate who failed to do his duty and support the character of the nation.

*Notes by Mr. Cheves.*

(a) "Many distinctions will be necessary in order to give a complete solution to the celebrated question, whether a man may quit his country or the society of which he is a member? 1. The children have a natural attachment to the society in which they are born: being obliged to acknowledge the protection it has granted to their fathers, they are obliged to it in a great measure for their birth and education. They ought, then, to love it, as we have already shown, express a just gratitude to it, and as much as possible return benefit for benefit. We have just observed that they have a right to enter into the society of which their fathers were members. But every man born free, the son of a citizen, arrived at years of discretion, may examine whether it be convenient for him to join in the society for which he was destined by his birth. If he finds that it will be of no advantage to him to remain in it, he is at liberty to leave it, making a return for what has been done in his favor, and preserving, as much as his new engagements will allow him, the sentiments of love and gratitude he owes it. Moreover, a man's obligations to his natural country may change, lessen, or entirely vanish, accordingly as he shall have quitted it lawfully and with good reason, in order to choose another, or has been driven from it meritoriously, or contrary to justice, in due form of law or by violence. 2. As soon as the child of a citizen arrives at manhood and acts as a citizen, he tacitly assumes that character; his obligations, like those of others who enter expressly and in due form into engagements with society, become stronger and more extensive; but the case is very different with respect to him of whom we have been speaking. When a society has not been contracted for a determinate time, it is allowable to quit it when that separation can be of no detriment to the society. A citizen may then quit the State of which he is a member, provided it be not such a conjuncture, when he cannot abandon it without doing it a remarkable prejudice."—*Vattel*, b. 1, ch. 19, sec. 220.

(b) "It is natural to consider the vessels of a nation as part of its territory, especially when they sail upon a free sea, since the State preserves its jurisdiction in these vessels. And as, according to the commonly received customs, this jurisdiction is preserved over the vessels even in parts of the sea subject to a foreign dominion, all the children born in the vessels of a nation, are considered as born in its territory. By the same reason those born in a foreign vessel are reputed to be born in a foreign country."—*Vattel*, b. 1, ch. 19, sec. 216.

"It is from the same reasons that the children born out of the country, in the armies of a State, or the house of its Ministers at a foreign Court, are reputed to be born in the country; for a citizen absent from his family on the service of the State, and who lives under its dependence and jurisdiction, cannot be considered as being gone out of its territory."—*Vattel*, b. 1, ch. 19, sec. 217.

(c) Lord Mulgrave said, "he rose chiefly to answer one part of the speech of the honorable gentleman who spoke last, which related to retaliation." "A contrary



doctrine, he said, would lead to the most dreadful situation, for if the enemy should pursue this method of assassination, and should find that we do not do everything in our power to deter them, they would bully us from day to day with the threat of it, for the purpose of inspiring terror. He knew it was not the custom of civilized nations or of modern times to put prisoners of war to death; but if our enemies deserted that civilized practice, we must in justice to ourselves retaliate. He was, perhaps, going to involve himself in what he was going to say, but candor demanded it and he should speak plainly. The ground on which he intended to proceed at Toulon was this—he should have sent out a flag of truce, stating to the enemy, that, if any such violence to the law of nations and the feelings of humanity were offered by them, he should man for man retaliate; and, however cruel that might seem in us, and however repugnant to the feelings of human nature, he was ready to declare he believed it to be necessary in such a situation, for if we did not proceed on equal terms we could not carry on the war at all."

In another part of the debate he said, "While he had the command of the British troops there, (Toulon,) and the French who voluntarily flocked to their standard, under the authority and invitation of His Majesty's proclamation, he had always considered the latter entitled to the same protection, in every respect, from him as the British troops."

Mr. Dundas said: "From this topic he would refrain, not because he was less adverse to every calamitous consequence of retaliation, but because he considered everything that might or could be said upon the subject, under the present circumstances, to be injudicious and imprudent. Generals who for humanity and wisdom have been inferior to none who have yet lived, have found it necessary, in the field of battle, to stop cruelty by retaliation." "Everything on this subject, he said, depends upon circumstances, such as the conduct and character of an enemy, whether he be polished or savage, honorable or unprincipled."

Mr. Burke said, "As a general principle, founded on policy and the laws of nations, I am ready to repeat and maintain, that retaliation of any severity which an enemy may practise, is right and proper. The *lex talionis* is a part of the law of nations, as founded on that of nature. These corps must be considered purely as a part of the army under whose banners they serve. God forbid that the authors of murder should not find it recoil on their own heads. Such is my opinion relative to the justice and policy of retaliation. I would suffer no one act of severity to pass unretaliated."—"To the honor of practical humanity only four instances of wanton and unnecessary murder occurred through the whole course of the American war: a forbearance which reflects equal credit on both parties. In the history of princes some instances of unnecessary severity may be found, but their general practice is just and merciful. I, for instance, think the Cameron and Radcliffe, in the latter parts of our own history, should not have been executed. In 1688, the Irish brigades were taken into the service of France and retained their own uniform, yet England, though often courageously opposed by these troops, has not in any instance treated them as rebels, when the fortune of war cast them in their power. In the rebellion of 1746, a whole regiment of them were taken, but no severity was practised. France, under Louis XIV, conducted herself in the same way. Many of her

regiments, after the cruel and impolitic revocation of the edict of Nantz, were taken into the pay of Prussia, Holland, and Britain; yet she never sacrificed these troops when they became prisoners. The battle of Fontenoy was gained principally from the exertions of the Irish brigades; and though they fought in open rebellion, these extremities were not thought of. Lord Ligonier, an officer of great note in the English service, a Frenchman by birth, when taken prisoner fighting against France, was exchanged in the usual course for an officer of the same rank. Fact is the mortal enemy of declamation, as analysis is of rhetoric; and, perhaps, from some decay of imagination likewise, I feel much inclined to avail myself of these advantages on this occasion. The same instances of mercy and forbearance may be collected from the conduct of Germany, Sweden, and every other Power in Europe."

When Mr. CHEVES concluded—

Mr. BAYLIES, of Massachusetts, rose and addressed the Chair as follows:

Mr. Chairman, I rise for the purpose of soliciting the attention of the Committee for a short time. I do it with great and unaffected reluctance, as I am conscious that my remarks must be of a desultory nature; and that so able, elaborate, and eloquent, has been the manner in which the bill on your table, and the topics connected with it, have already been discussed, as almost to preclude the hope that it will be in my power to add anything, either to instruct the understanding or interest the feelings. In truth, when this bill was introduced, it was not my intention to make it the subject of a single remark; but, on reflection, I was convinced that there would be a propriety in my stating the reasons by which I should be governed in my vote, and the ground on which I was prepared to justify it. This was the extent of my wish and intention; and even this wish and intention, I believe, I should have foregone, (after one ineffectual attempt to obtain the floor) had it not been that some remarks were made yesterday, in the course of debate, which, in my opinion, demand attention. The bill under consideration, should the blank be filled, in the manner proposed by the honorable chairman of the Committee of Ways and Means, will authorize the loan of twenty-five millions of dollars. To pay the interest of the debt, thus to be created, it will be necessary to continue a system of taxation, odious and oppressive to the people. The principal of the debt will, I presume, descend as a burden to posterity.

It is not my purpose, however, to controvert the facts stated by the honorable chairman of the Committee of Ways and Means, or his reasoning upon those facts—though that reasoning, I think, was more specious than solid. I admit that the resources of this country, under the fostering hand of a wise, prudent, and efficient Administration, would be equal to meet a debt of this, and even of a larger amount. But I am opposed to this bill, because its object is to place money in the hands of the present Administration, to enable them to pursue a system of measures and a course of policy hostile, as I think, to the best interests of this country; to enable them to con-

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tinue the war in which we are now engaged; a war which, I believe in my conscience, was in its origin unnecessary and inexpedient; which is prosecuted without any adequate cause; which, in its progress, has brought heavy and severe calamities upon our country; and which, if protracted to any distant period, will, I fear, be productive of consequences the most disastrous.

While I claim the privilege of animadverting upon the measures of the Administration, I impeach not the motives of gentlemen who maintain opinions different from my own. It is my duty, however, to act according to the deliberate decisions of my own understanding, and the clear convictions of my own conscience.

An honorable gentleman from Maryland, (Mr. McKIM,) who spoke very briefly on this question, in an early stage of this debate, protested against going back to the causes of this war. I intend to abstain, in a great measure, from that consideration; not that I think it impertinent to the question before us; but it is not my wish to trespass on the patience of the Committee by dilating on a subject very familiar to them, and which has, on this, and other occasions, been discussed with an ability to which I can have no pretensions.

The minority, or the Opposition, as they are emphatically denominated, are accused of inconsistency, in admitting that Great Britain has done us wrong, and, at the same time, persisting in calling this war unjust. It is not every wrong that will justify a nation in resorting to arms to obtain redress. War, it has been well said, is the extremity of human evil. The most successful war, in a Government like ours, must bring with it, of necessity, a numerous train of calamities. It increases the public burdens; it impoverishes the people, relaxes the moral habits, promotes a spirit of licentiousness, unnerves the hand of industry, and, by elevating the military above the civil authority, endangers our liberties. It was said, I think, by a gentleman of Virginia, formerly a distinguished member of this House, that this Government was not calculated for offensive war; that it was putting the Constitution to a test which it could not endure. There is, in my opinion, much wisdom in the remark. The situation to which we are reduced is sufficient evidence of the evils of war; our frontier is desolated; our commerce ruined; our Treasury exhausted; the people discontented and divided, yet we were precipitated into war, "as if it was a matter of experiment," "an idle frolic," "as if the dire goddess, who presides over it, with her murderous spear in her hand, and her gorgon at her breast, was a coquette to be flirted with."

For what are we prosecuting this war? For a cause, as has been shown by an honorable gentleman from North Carolina, (Mr. GASTON,) for which war was not declared—for sailors' rights. The violation of sailors' rights is now the professed cause of this war, and the protection of them its avowed object. The subject of impressment under the Administration of Washington, ever the vigilant guardian of the rights and honor

of his country; under that of Mr. Adams and that of Mr. Jefferson, was not considered a sufficient cause of war; nor was it so considered by Mr. Madison himself at the time of the arrangement with Mr. Erskine. The honorable SPEAKER has just acknowledged, that, in his opinion, war would not have been declared at the time it was declared, but for the Orders in Council.

It does appear to me, that the subject of impressment is indebted for the very great importance now attached to it, to the revocation of the Orders in Council. But allow that impressment furnishes a just cause of war against Great Britain, can we hope to obtain from her more upon this point by arms than by amicable negotiation? It is well known that this right, which Great Britain claims to exercise, of taking from the merchant vessels of other nations her own native seamen, is considered by her as essential to her maritime strength; in other words, as essential to her national existence; and, so strongly is this claim supported by national sentiment, that no Ministry would dare to surrender it. She may consent to an arrangement upon this subject, which, without derogating from the right, may render the exercise of it less liable to abuse, and less injurious to this country; but this can be obtained only by negotiation.

It ought to be considered, that this is not a novel claim set up by Great Britain. It has been exercised by her for a great length of time, even long before we existed as an independent nation; founded upon principles which she holds sacred—that every nation, in time of war, has a right to the services of its citizens; and that allegiance is perpetual. But an honorable gentleman from Kentucky (Mr. MONTGOMERY) denies to Great Britain the right to impress her own seamen in her own territorial jurisdiction; it being, as he says, in violation of the principles of *Magna Charta*.

This I consider a question between the British subject and his Government, with which we have nothing to do. The practice of impressment has been justified by some of her ablest and most popular writers; even by Junius himself, the great champion of Opposition, in his time, and has been recognised as a part of the common law by the judicial decisions of some of her most eminent judges. Though the claim of Great Britain is limited to her own seamen, yet it is true that American seamen are sometimes taken by mistake, and sometimes by the wanton act of the British naval officers. The number of our seamen thus taken I think, however, has been greatly exaggerated. Many British seamen pass as American under American protections, in obtaining which great frauds are practised. But whatever may be the extent of the injury which we suffer by impressment, I should be as much gratified as any person could an adequate remedy be provided for it. But how are we to obtain satisfaction by prosecuting this war? I shall be answered—by the conquest of Canada. The conquest of Canada, for the purpose of incorporating it into the Union, though it may come "within

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the scope of the policy" of some gentlemen, is, in my apprehension, a project so wild, and I hope I may be pardoned the expression, so preposterous, that I cannot believe it will receive the deliberate sanction of a majority of this Committee, much less of the nation. Sad experience must have convinced us that Canada cannot be conquered without a great expense of blood and treasure; and, when acquired, it cannot be worth to us the price at which we must purchase it. We have territories enough. Instead of strengthening, it would weaken the Union.

As to the conquest of Canada as the means of obtaining a satisfactory peace, as an instrument of negotiation, I presume the most sanguine do not indulge the expectation of effecting that conquest under six or nine months; certainly not in time to assist us in the present negotiation; and, should we obtain possession of Canada, we never shall be able to extort from Great Britain, or purchase from her, by the surrender of it, any concession upon the point in controversy, of sufficient importance to justify the sacrifices we must make in the acquisition of it.

I stand not here to eulogize the character of Great Britain, or to exalt her power; but to pursue the true interest of my country, as far as my feeble understanding can enable me to ascertain it. I do not, however, consider it as any proof of the want of patriotism not to subscribe to the philippics pronounced by gentlemen against Britain. In assailing her in the manner they have, it seems to me that passion triumphs over judgment, and that, while advocating the cause of our holy religion, they forget that charity is its vital principle.

But it is said, Mr. Chairman, that the passage of this bill is necessary for defensive purposes; and gentlemen have on this, and on former occasions, in strains of impassioned eloquence, directed our attention to the sufferings of the people on our frontier. I charge not gentlemen with extravagance or exaggeration on this subject. The picture which they drew, glowing as it was, does not, I believe, exceed the reality. Your frontier has been desolated and drenched in blood. Your towns have been sacked and burnt. Defenceless women and children have been compelled, at an inclement season, to abandon their homes in terror and despair. Convince me that your measures are to be defensive; that your Army is destined to repel the incursions of the enemy, and to restore tranquillity and safety to our borders; as much as I reprobate this war I will, notwithstanding, go as far as any gentleman on this floor in granting means to the Government to effect these objects. But, for offensive operations, for the conquest of Canada, I will not, by my vote, grant one dollar. In acting thus, I am in the exercise of a Constitutional right, in the performance of a Constitutional duty; with my opinion, I should be a traitor to my trust if I acted otherwise. I know it has been said out of this House (and the doctrine, in my opinion, has been too much countenanced on this floor) that it is the duty of the citizen, and our duty as Representa-

tives, to contribute—voluntarily to contribute, to the vigorous prosecution of this war, without recurring to its origin, or calling in question its justice or necessity. Against this doctrine I protest. It savors too much of the old tory doctrine of passive obedience and non-resistance to be grateful to republican feelings. It is repugnant to the genius of our free institutions. It is at war with the first principles of civil liberty. If this doctrine is to be acted upon as correct, the blood of your Revolutionary heroes has been shed in vain; your boasted liberty is but an empty boast; your Constitution a dead letter; and worse, it insults you with a show of liberty, when suffering under the vilest bondage.

Where do gentlemen find this doctrine? Do they find it in the land of our ancestors? Do they find it in the writings or speeches of the statesmen or orators of that country? When the Colonies raised the standard of revolt, were the lips of Opposition sealed? Did not that great and enlightened statesman, the Earl of Chatham, whose eloquence carried terror to the Throne, pronounce Great Britain the aggressor? Did he not call the war, on her part, unnatural and unjust? Did he not rejoice that America had resisted? Did he not express his love and admiration of the Americans for contending for their rights? Did he not, in fact, exhaust the language of every term of reproach and invective, and apply it to the Ministry? Did he not charge them with temerity, with obstinacy, with incapacity, with the most notorious servility and corruption? He did, and drew upon himself the denunciation of that Ministry. They accused him, and those who acted with him, with aiding and abetting the enemy, and weakening the arm of Government. But a minority, it is said, may be unprincipled; that is true, and it is equally true, that a majority may be corrupt. Any party, whether minority or majority, who pursue an interest distinct from the interest of their country, who advocate or oppose measures for other reasons than those of public good, are a faction.

It is wrong, however, to argue from the occasional abuse of a privilege against the privilege itself. A minority, in this country, are bound by no limits but the laws, the Constitution, and their own consciences. Within those limits they have a right to range, with the privilege of discussion free as air, restrained by no rules but those which decorum and civility prescribe.

But it is said we are acting in opposition to the sentiments of the people; that the war is popular, and the vigorous prosecution of it demanded by the feelings of the nation. As to that part of the country from which I have the honor to come, this war ever has been, and I trust, ever will be, an unpopular and an odious war, especially as to the proposed conquest of Canada.

Upon this subject there is hardly a division of sentiment. Men who rally under the banners of the Administration upon every other question, put their faces against them on this.

I speak not merely of the merchants, that respectable class of the community. I speak of the

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real strength of every free country, the substantial yeomanry; the hardy cultivators of their own soil, who will defend that soil with their heart's blood. The subtlety of lawyers has not cheated them into the opinions they entertain. They have formed them by consulting their own good feelings, their own plain, unsophisticated understandings. I regret that I am under the necessity of making any remarks that may be considered in any degree as local. I disclaim all invidious comparisons between the different parts of the United States; but there have been so many allusions to the State from which I have the honor to come, and to the spirit which is supposed to manifest itself there, that I feel it to be my duty to call the attention of the Committee to the subject. There is nothing in the character of my native State that I shall blush to defend. There is nothing in the character of my immediate constituents which should humble me on this floor as their representative, unless it be the consciousness that they have conferred on me an honor beyond my merits.

The honorable gentleman from Georgia, (Mr. CUTHBERT,) whose animated speech I heard with the most friendly interest and attention, said that the inhabitants of New England were jealous of their rights. The people of this country were characterized by Edmund Burke as men jealous of their rights, alike to every invasion or supposed invasion of them;—"Who augured misgovernment at a distance, and snuffed the approach of tyranny in every tainted breeze."

The people of whom I speak, still possess some portion of that spirit. Such being their temper, they may be betrayed into excesses from an excitement of feeling; they may fall into errors of opinion from want of information; but it is not wise in Government to attempt to reclaim them by insulting their prejudices, if prejudices they entertain, or by treating with indifference or contempt their complaints, founded on their honest convictions. The Legislature of Massachusetts have passed no act which they had not a Constitutional right to adopt. They know their duty, and will perform it. They know their rights, too, and will, I trust, maintain them. There are, and I am proud to say it, some of the few survivors of the good old Revolution high in the councils of my native State—men who staked their lives on the issue of that contest which terminated in the acknowledgment of our independence—men who, in the path of duty, will be as little dismayed by the glitter of hostile steel as by the glitter of the tinselled invective of the honorable gentleman from Georgia, (Mr. FORSYTH.)

Great severity of remark has been indulged in relation to a distinguished individual in the Legislature of Massachusetts. That individual I know. He is a man of bright honor, and incorruptible integrity, who knows his whole duty, and is fearless in the performance of it; the worthy son of an illustrious patriot, who, in the Cradle of our Independence, by his zeal and eloquence, animated his fellow-citizens to a manly resistance of the tyrannical encroachments of Britain.

Can it be matter of surprise that disaffection to your cause should prevail among the people of Massachusetts, when it is deemed necessary, in support of that cause, to resort to measures, which, in their opinion, violate their rights—which cut them off from those pursuits which are essential to their prosperity, and which habit has rendered almost necessary to their existence?

The measures of Government have borne with such severity upon the people of that State, as to excite in them the suspicion that their rulers are indifferent, if not hostile, to their interests. The embargo is not calculated to remove that suspicion. By this act, the wretched remnant of that commerce which has survived your war measures has been annihilated at a blow. At the time they are called upon to contribute to the exigencies of Government, they are deprived of the means of complying with the demand. They are attached to the Constitution; they are attached to the union of the States; they have considered it the rock of their salvation; they will support it, until they shall be convinced beyond all question—until there shall not be left "a loop to hang a doubt on"—that the great purposes for which that Union was formed are to be deliberately, systematically, and permanently abandoned.

Gentlemen of the majority have been very liberal in their advice and instruction to the minority. As one of that minority, I feel a grateful sense of the obligation I am under, and am solicitous, as far as in my power, to discharge the debt of gratitude. It is not for me to instruct gentlemen of their experience and wisdom. I would ask them, however, and ask them in the spirit of friendship, if there is not reason to distrust the correctness of that system of measures which they are pursuing, when they find its effects have been so disastrous? Let them restore peace to their bleeding and suffering country; let them remove the shackles from commerce; let them abandon the restrictive system; let them increase the Navy, the cheap and natural defence of the country; let them extend an equal regard to the interests of every part of the Union; let them, in fact, return to the policy of Washington, "the first in our dangers, the wisest in our days of peace." In this way they will put down opposition. The people will forget their errors in the returning prosperity of the country. For myself, I solemnly declare I care not of what political party are our rulers, if they be men of understanding to discern the true interest of the country, and integrity to pursue it. That Administration is the best which renders the people most happy.

When Mr. BAYLIES had ended his speech, the Committee rose, reported progress, and obtained leave to sit again.

FRIDAY, February 25.

Mr. BEALL presented a resolution of the State of Ohio, requesting that measures may be taken to secure prompt and reasonable compensation to

the citizens of that State for supplies and other property furnished detachments of militia in the public service.—Referred to the Committee of Claims.

Mr. LATTIMORE presented a petition of sundry inhabitants of the Mississippi Territory, praying that measures may be taken to ascertain and adjust their claims to certain tracts of land in said Territory.—Referred to the Committee on the Public Lands.

Mr. McKEE, from the Committee on the Public Lands, reported a bill permitting certain locations of land to be made, and granting donations of land to certain inhabitants of the county of New Madrid, in the Territory of Missouri; which was read twice, and committed to a Committee of the Whole.

Mr. RHEA, from the Committee on the Post Office and Post Roads, reported a bill to alter and establish certain post routes; which was read twice, and committed to a Committee of the Whole.

Mr. ARCHER, from the Committee of Claims, reported a bill supplementary to an act, entitled "An act for the relief of Thomas Wilson;" which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The resolution of Mr. GOLDSBOROUGH, of Maryland, so to amend the rules of the House as to extend the honor of admission within the bar of the House to such gentlemen as have at any time previous been at the head of any Department of the Government, was taken up, and adopted.

On motion of Mr. INGERSOLL, of Pennsylvania, the bill reported by him for the better organization of the Courts of the United States for the district of New York, passed through a Committee of the Whole, and was ordered to be engrossed for the third reading, without amendment.

[This bill apportions the official duties between the two district judges for the district, &c.]

#### THE LOAN BILL.

The House again went into Committee of the Whole, on the Loan bill.

Mr. WRIGHT, of Maryland, addressed the Chair as follows:

Mr. Chairman, the gentlemen on the other side oppose this bill, because it will provide the means to effect an unrighteous end. They say that the war was unjust in its commencement. That, if originally just, it is now unnecessary, as the Orders in Council are revoked.

That impressment, of itself, was never considered a cause of war.

That the war might have been honorably avoided, by the arrangement made by Mr. Monroe and Mr. Pinkney, and

That the system of retaliation, resorted to by the President, has given to the war a character of ferocity unknown to civilized nations.

Sir, before I proceed to detect and expose the fallacy of these assertions, permit me to call back your attention to our glorious Revolution—not like the revolutions of Europe, the exchange of one tyrant for another, but a revolution of princi-

ples, whereby the sovereignty of Kings was overturned, and the sovereignty of the people established on its ruins.

By the great charter of our independence, it is expressly declared, "that all men are by nature equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." That all legitimate power flows from the people, and is to be exercised, only, to promote their happiness.

This, sir, is the fair fabric of our rights, constructed by the proscribed patriots of the Revolution, and cemented by the blood of our martyred heroes. From this fountain flows our Constitution, constructed, expressly, "to secure the blessings of liberty to ourselves and our posterity;" and I conjure you, by the sacred obligations under which you act, to protect those sacred rights so solemnly secured.

I will now proceed to show that the war was just in its commencement; that the Orders in Council are not revoked; that the impressment of seamen, is, of itself, a just cause of war; that the arrangement made by Mr. Monroe and Mr. Pinkney could not have been honorably adopted, and that the retaliatory system resorted to by the President was not an act of ferocity but of humanity.

Sir, that the war was just in its commencement will appear by a short review of the causes that produced it. In the year 1792, the venerable Washington declared that the practice of impressment was intolerable, and that it must be discontinued or war would be inevitable; Mr. Jefferson, then Secretary of State, was no doubt of the same opinion; Mr. Adams when President declared the same opinion, and the sentiments of his Cabinet, Mr. Pickering, and Mr. Marshall, now Chief Justice, Mr. Stoddard and Mr. Wolcott, which have been read, prove that they then were of the same opinion.

The law of nations expressly declares, that, for every injury, if redress is demanded or required, and unreasonably delayed, it is just cause of war; and Mr. Pinckney of South Carolina, when Minister, informs us, that on his application for impressed seamen, then in London, they were sent off, without suffering an investigation of their rights. Great Britain has no doubt, disclaimed the right of impressing American seamen, but has added insult to injury, by exercising it, and impressing thousands of our seamen in direct violation of her own admission. Our Ministers have told us, that while she impresses her native born subjects, who have been naturalized, married, and settled in the United States, voluntarily entering our service, she refuses to release native born American citizens, impressed into her service, because they are married and settled in England. Can such monstrous inconsistencies be submitted to? Was Mr. King, a Minister under two Administrations, by the exercise of his distinguished talents and devotion to this subject, enabled to effect an honorable arrangement? No! sir, and Lord Castlereagh declared to Mr. Russell,

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"that the friends of Great Britain in Congress were mistaken on that point." We see by the official documents in 1807, that out of 2,059 cases of impressment, 102 only were British subjects; that 1,142 were discharged, and 805 kept for further proof, with the strongest presumption that they were aliens, or Americans whose protections had been lost.

These 1,142 unfortunate citizens, I presume will be admitted to have been impressed, as they were discharged as such; and also the 1,600 declared by Lord Castlereagh in Parliament to have been impressed; even by the "friends of Great Britain in Congress" as his Lordship has dubbed them. And I hope honorable gentlemen, after Lord Castlereagh has declared that they were mistaken in their declarations, "that the Government, through Mr. King, might have honorably arranged the subject of impressment," will not further expose their devotion to that nation, nor deny that the 1,600 impressed in time of peace, and since made prisoners of war, is a just cause of war. I will next examine the spoiliations on our commerce, their commencement and progress, with the pretexts under which they have been committed. Great Britain in June, 1803, passed an Order in Council, unlawfully restricting the trade of the United States with a certain portion of the unblockaded ports of her enemy, and condemning our vessels with innocent cargoes on their return voyage from ports where they had deposited contraband articles.

After it had been expressly decided by the High Court of Admiralty, that an American had a right to import into America the produce of a Spanish colony, and that landing the cargo and paying the duties would break the continuity of the voyage, and justify their re-exportation to any part of Europe; and after Lord Hawkesbury had communicated to Mr. King that decision, approved by the Advocate General, and by Lord Hawkesbury, establishing the law, that landing the goods and paying the duties in the neutral country would break the continuity of the voyage, and was such an importation as would legalize the trade, although the goods were shipped in the same vessel, on account of the same owners, and sent to the mother country that produced them. And yet notwithstanding this order—this decision of the High Court of Admiralty—this report of the Advocate General, and this official communication by Lord Hawkesbury to Mr. King, our commerce was swept from the ocean, and condemned in direct violation of the order, the decision, and the report of the Advocate General so officially communicated, and it would seem insidiously to inspire us with confidence, to increase that commerce, that they might, like the panther in ambush, unsuspectedly, leap upon their prey. This outrageous conduct gave rise to clamors in every commercial circle in the United States, and, at the opening of the session of 1805, the President informed us, "that the British had captured, in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own

also; that they have carried them off, under the pretence of legal adjudication; but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them, maltreated the crews and abandoned them in boats on the open seas, or on desert shores without food or covering." "That new principles had been interpolated in the law of nations. According to them, a belligerent takes to itself a commerce with its own enemy that it denies to neutrals, on the ground of its aiding the enemy in war. But reason revolts at such inconsistency; and the neutral having equal right with the belligerent to decide the question, the interest of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations." In January, 1806, remonstrances came in from Boston, Salem, New York, Philadelphia, Baltimore, and Charleston, praying that the Government would take the subject under consideration, and also the impressment of seamen. On the 17th January, 1806, the President again pressed the subject on the consideration of Congress, with the memorials of the merchants, which he told us would develop these principles and practices, which are producing the most ruinous effects on our lawful commerce and navigation. He remarks, "that on the subject of impressment our remonstrances have never been intermitted; a hope existed at one moment of an arrangement that might have been submitted to, but it soon passed away; and the practice, although relaxed at times in distant seas, has been constantly pursued in our neighborhood." On the 12th February, 1806, Congress took up the consideration of the Message of the President, with the memorials of the merchants, which relate to the spoliation of our commerce on the high seas, and to the new principles assumed by the British Courts of Admiralty, as a pretext for the condemnation of our vessels in their prize courts, and passed the following resolutions:

1. *Resolved*, That the captures and condemnation under the orders of the British Government, and adjudications of their Courts of Admiralty, of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of Great Britain prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these United States, and an encroachment upon their national independence.

2. *Resolved*, That the President of the United States be requested to demand and insist upon the restoration of the property of their citizens, captured and condemned, on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace, and upon the indemnification of such American citizens for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British Government on this and all other differences subsisting between the two nations, (and particularly with respect to the impressment of American seamen,) as may be



consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled.

The President immediately appointed Mr. Monroe and Mr. Pinkney Envoys Extraordinary, and instructed them to insist on an arrangement for the protection of our seamen, and indemnification for spoiliations, agreeably to the said resolutions; and he also instructed them to procure an article for defining legal blockades. The British, not content with their new principles and aggressions under them, on the 16th of May, 1806, issued an Order of Council for blockading the coast from the river Elbe to Brest. On the 11th of May, 1807, they issued another order, blockading the Elbe, Weser, and the coast between the same; and also the Dardanelles and Smyrna. On the 8th of January, 1808, of Carthage, Cadiz, and St. Lucar, and all the intermediate ports between Carthage and St. Lucar, comprehending a greater extent of coast than their whole navy could blockade, agreeably to their own definition of a blockade. And Great Britain, although her Order in Council was made on the 16th of May, 1806, from Elbe to Brest, charges it to the account of France as a measure of retaliation for her decree, blockading the British Isles as a measure of retaliation for British violations of the law of nations by their said order, although that decree was made the 21st of November, 1806; and, although on its face it carried the absurdity of making the effect precede the cause, she was not without her votaries in this body, notwithstanding this extraordinary and outrageous conduct. Our Envoys, with all their zeal and abilities, were unable to procure a treaty securing us against impressment, or indemnification for spoliation, or even the definition of a legal blockade; nor have I ever heard an insinuation that they did not do all in their power to obtain it.

After the failure of redress, by treaty, the embargo was adopted, which, no doubt, had the most salutary effect of securing the remnant of our commerce from the gripe of the enemy, whose ports were crowded with the captured vessels of the United States; and when its effects were most sensibly felt by the enemy, writhing under its pressure, at the instance of our Eastern brethren it was repealed, and the non-intercourse law adopted, by which France and England were, after a certain time, interdicted the commerce of the United States, unless they revoked, or so modified their orders and decrees, that they should cease to violate the neutral commerce of the United States. After this, Mr. Erskine, on the 18th of April, 1809, informed the Secretary of State, Mr. Smith, "that he was instructed to communicate to the American Government His Majesty's determination of sending to the United States an Envoy Extraordinary, invested with full powers to conclude a treaty on all the points of the relations between the two countries. That, in the meantime His Majesty would withdraw his Orders in Council, if the President would issue a proclamation for the renewal of the in-

tercourse with Great Britain." Mr. Erskine being informed that his proposition would be accepted, on the 19th of April, 1809, in an official note, says: "I am authorized to declare that His Majesty's Orders in Council, of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June next." The President, on the same day, issued his proclamation, declaring, "that the Orders in Council will have been removed on the 10th day of June next; after which day the trade of the United States with Great Britain, as suspended by the act of Congress above-mentioned, and the act laying an embargo on all ships and vessels in the ports of the United States, and the several acts supplementary thereto, may be renewed." For this arrangement, the President was eulogised by the Federalists. Britain thereby obtained large supplies of provisions, but rejected the arrangement, as authorized by her Minister; and the President was charged by the Federalists, in conjunction with Great Britain, with seducing their Minister into the arrangement, with a knowledge that he had no power to make it. The non-intercourse law was, of course, again declared in full force against Great Britain. On the 5th of August, 1810, France, through her Minister, declared to our Minister, at Paris, in a note of that date, that, after the 1st of November, 1810, her decrees would be revoked, or so modified that they would cease to violate our neutral commerce, provided we caused our rights to be respected, by enforcing the non-intercourse act against Great Britain. We accordingly passed an act for that purpose, against which, however, the Federalists voted. And France, on the 28th of April, 1811, on the receipt of the act of Congress, enforcing the non-intercourse act against Great Britain definitively, ratified her revocation of her decrees, agreeably to her preliminary act of the 5th of August, 1810, upon the condition pre-expressed in our law. And although, in the Erskine arrangement, not one word was said about spoiliations, and the Government was applauded by the majority for the act; yet, in the arrangement with France, it was opposed by these gentlemen, and the Government denounced for not insisting on a contemporaneous agreement to pay for spoiliations. Great Britain neither revoked her Orders in Council nor sent an Envoy Extraordinary, but she refused to revoke them under the pretext that Erskine had no power: and she sent an *Extraordinary* Envoy, (Mr. Jackson,) whose history and dismissal you all know, who proved himself to be the *same* Jackson who so distinguished himself at Copenhagen. After all these things, and the declarations of Great Britain, that, on the revocation of the French decrees, she would revoke her Orders in Council, Mr. Foster, then Minister near the United States, unequivocally declared that, although France should have revoked her decrees as to the United States, Great Britain would not revoke her Orders in Council. In this posture of our affairs, and, after every effort to settle them by negotiation had failed, the war was de-

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clared. And, although gentlemen on this floor may declare it unjust, I have no doubt the American people believe it just, and that the honest historian will record it just. But they say the Orders in Council are revoked, which were the cause of the war, and to continue it, would be unjust. Had gentlemen examined the instrument and the despatch enclosing it, they would not have made the assertion. The Prince Regent declares that the Orders in Council of the 7th of January, 1807, and the 26th of April, 1809, be revoked; but, unless we repeal our act prohibiting British armed vessels entering our ports, that the revocation of his Orders are null and void; and "his Royal Highness the Prince Regent, is hereby pleased further to declare, in the name and on the behalf of His Majesty, that nothing in this present Order shall be understood to preclude his Royal Highness the Prince Regent, if circumstances shall so require, from restoring, after reasonable notice, the Orders of the 7th of January, 1807, and the 26th of April, 1809, or any part thereof, to full effect, or from taking such other measures of retaliation against the enemy, as may appear to his Royal Highness to be just and necessary."

Mr. Russell, in his letter to Mr. Monroe, enclosing this act, says: "I can but regret that, in this document, any reservation has been made of a power of restoring the Orders of the 7th of January, 1807, and the 26th of April, 1809, to their full effect, whenever it shall be judged expedient so to do; as such reservation manifests an intention to maintain the principle on which they were founded, and in which I conceive the United States can never acquiesce." The United States did not repeal the act prohibiting their ships of war to enter our ports; therefore the act was, on its face, null and void. Nor do I presume any American could believe their Orders in Council substantially revoked, whilst they claimed the power to inflict them when it suited their convenience; much less, consent to an accommodation on terms which would imply our assent to an outrage against which we have solemnly protested.

As to the impressment of seamen being of itself no cause of war, I have already, in my review of the causes of the war, presented that subject in colors sufficiently strong to satisfy any American that theory could convince, and such as may not be satisfied, I should have no objection to their being practically taught, that it is such an outrage, that they themselves should declare it a just cause of war.

They also say that the war might have been honorably avoided, by the arrangement made by Messrs. Monroe and Pinkney. And that these gentlemen are high in the confidence of the Government, and I will add, known to be advocates for the war. Mr. Monroe, in his letter from Richmond, of 28th February 1808, after the expiration of his mission, I admit, writes to the President, that "the idea entertained by the public is, that the rights of the United States were abandoned by the American Commissioners, in the late ne-

gotiation, and that their seamen were left by tacit acquiescence, if not formal renunciation, to depend for their safety on the mercy of British cruisers. I have on the contrary always believed, and still do believe, that the ground on which that interest was placed by the paper of the British Commissioners of November 8, 1806, was both honorable and advantageous to the United States."

Mr. Monroe says in this letter, "it is far from being my desire to compromise Mr. Pinkney in the slightest circumstance." This, then, is the opinion of Mr. Monroe only, and is confined to the subject of impressment. But I would ask honorable gentlemen to examine the groundwork of this mission; the petitions of the merchants, the resolutions of Congress, the instructions of the President, and the public feeling and expectation, on the issue of the mission, and also the treaty itself, and form an opinion for themselves, before they condemn the President for not submitting the treaty to the Senate; and that on the opinion of one of the Ministers defending himself against the public indignation, as he himself informs us.

Sir, had this been a legislative subject, and submitted to a committee of this House, under such instructions, to protect our seamen, to indemnify our merchants from spoliations, and to define blockades and other minor objects, who had reported a bill omitting the three points on which they were specially instructed, what would have been the conduct of this House? Sir, they would have recommended the bill to the same, or peradventure to some other committee. The President sent back the treaty to the same Commissioners, to recommence their labors, and to make no treaty if they could not secure such conditions as they were instructed to effect. And I believe no act of that Administration was marked with more energy, nor met more cordially the approbation of the people. What would have been the clamors against the President, if, on a mission in which he had been expressly instructed, as on this case he was by the resolutions of Congress, to demand and insist upon remuneration for spoliations and security especially against impressment, and he had accepted a treaty without either? Our Ministers inform the Government on the 3d January 1807, "they are sorry this treaty contains no provision against impressment;" but that the policy that the British Government had adopted in regard to this very delicate subject, her Ministers assured them, would secure us as perfectly as if in a treaty. And Lords Holland and Auckland subscribed the paper which states—"That His Majesty's Government has not felt itself prepared to disclaim or derogate from a right which has ever been uniformly and generally maintained, and in the exercise of which the security of the British navy may be essentially involved."—"That His Majesty's Ministers had been directed to give Messrs. Monroe and Pinkney the most positive assurances that instructions have been given, and shall be continued and enforced, for the observance of the greatest caution in the impress-

'ing British seamen, and that the strictest care shall be taken to preserve the citizens from any molestation or injury, and that immediate and prompt redress shall be afforded upon any representation of injury sustained by them." By this informal act they declare they cannot derogate from a right on which the security of the British navy may depend; although at the moment our Ministers were pressing on them an article, by the instruction of the President, "to impose heavy penalties on our captains who should receive on board or carry to sea British seamen, on her entering into a like stipulation that her captains shall not take on board or carry to sea American seamen." Would any prudent man believe our seamen safe under the policy of Great Britain, when she refused so correct a stipulation? Upon the point of spoiliations, our Ministers tell us—"they regret also, to be under the necessity of stating, that no provision had been made by the treaty to indemnify our merchants for the spoiliations on their commerce; that, at the time of signing the treaty, they stated explicitly they could not conclude it without satisfactory assurances of remuneration for unlawful captures." The British Ministry informed them they did not wish them to abandon their claim, but intimated that in cases of invested right it was not in the power of the Government to interfere to the prejudice of the parties; that it would be hard on the Government and unpopular to apply the public money to such a purpose; that the depending cases would not be unfavorably adjudged; that to enter into an engagement under the present state of things might expose the Government to the imputation of having done it by coercion.

Lord Howick intimated to our Ministers "that it would be better for them to address a note to him than the British Ministers, on the preservation of our rights to indemnity for spoiliations. We are preparing this paper, but fear it will not be ready in time to procure his answer to send you with those despatches. We think it our duty, however, to add, that we do not wish our Government to be too sanguine in the expectation of a favorable result. In the deliberations on this subject it may perhaps be better to presume that such an one may not be obtained, as it is not provided for in the treaty." Our Ministers send the treaty without any indemnity for spoiliations, or any agreement to reserve the subject for future negotiation, and advise the President to act on the treaty as if such a reservation was not to be obtained. Our Ministers also inform the Government that they endeavored to obtain an article to define blockades agreeably to Lord St. Hellen's convention with Russia, but without effect. I therefore ask, if, on their refusing "to derogate from their right of impressment," on their refusing "to stipulate for spoiliations, or even to reserve the subject for future negotiation," and on their refusing to define a legal blockade, three of the specified objects of the mission, any real American can think the arrangement made by Messrs. Monroe and Pinkney either honorable

or advantageous to the United States, and that the treaty ought to have been accepted?

They tell us that the system of retaliation resorted to by the President, has given to the war a character of ferocity unknown to civilized nations. The term ferocity they borrow, no doubt, from the Maryland memorial, the production of a hopeful band, who ferociously broke into a temple of liberty, although locked with the key of our holy religion, and rifled it of three golden lamps, that had been selected by the sovereign people of Alleghany, and foisted in their place three others of brass, that had been rejected by them. Can such men, without book, be entitled to credit, who after kissing the book have violated the sacred charter of our liberties, and that in the most vital point, the right of suffrage?

Retaliation is a right of war, governed by the laws of war. *Bynkershoek*, in his Law of War, declares "that retaliation may be made on him who does the injury—that the safety of the people is the soul of the law of war."

In England it is a prerogative right vested in the Crown, where the sovereignty of the nation is lodged, an unwritten law. In the United States the sovereignty is in the people, and no power vested in the President but by written law, made by their Representatives, and for which purpose the law of retaliation was passed, vesting this power in the President.

King Charles, in his grant to the proprietors of Maryland, in section 12, says: "We have given, and for us our heirs and successors do give, by these presents, as full and unrestrained powers as any captain general of our army ever hath had unto the aforesaid now Baron of Baltimore, and to his heirs and assigns, by themselves, or by their captains or other officers, to summon to their standards, and to array all men of whatsoever condition, or wheresoever born, for the time being, in the said province of Maryland, to wage war and to pursue, even beyond the limits of their province, the enemies and ravagers aforesaid, infesting those parts, by land or by sea, and (if God shall grant it) to vanquish and capture them, and the captives to put to death, or according to their discretion to save, and to do all other and singular things, which appertain or have been accustomed to appertain unto the authority or office of captain general of our army." Here the right to kill the captive is unconditionally given, and, if one of his men was executed, would not only authorize, but by the law of war justify, retaliation. *Blackstone*, vol. 4, p. 7, says: "The right of punishing crimes against the law of nature, as murder, is in a state of nature vested in every individual, and when those individuals are formed into society, the rights of each must be vested in that body."

By Divine authority it is declared, an eye for an eye, a tooth for a tooth, and whoever sheddeth man's blood, by man shall his blood be shed; this law was certainly inscribed on the heart of Cain by the finger of God, who on killing his brother expressed his apprehensions, that whoever should find him would slay him.

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On the 10th July, 1776, almost contemporaneously with the Declaration of Independence, Congress passed the following resolution:

*"Resolved, That if the enemy shall put to death, torture, or maltreat the prisoners retained by them, retaliation; the only means of stopping the progress of inhuman butchery, and, for that purpose, punishments of the same kind and degree, be inflicted on an equal number of the captives from them in our possession, until they shall be taught to respect the violated rights of nations."*

Congress on the 3d March, 1799, by a law of that date, authorized the President (if any citizen of the United States, who shall have been impressed into the British service, shall be taken by France, and by the authority of France shall suffer death or other corporal punishment) and required him to cause the most rigorous retaliation to be executed on any citizen of the French Republic.

I have presented to you, on this subject, the laws of war, the law and practice of Great Britain, the law of nature, and the law of God; the law and practice of 1776, and an act of this Congress under the Federal Administration—though I am aware, that it may be said, they were Frenchmen.

Sir, by your naturalization act, we give to persons every right of a citizen, except to be a President, and pledge the faith of the nation for their protection, as a counterpart of their pledge of allegiance. We are therefore as much bound to protect them as if native citizens; and were we to decline their protection by retaliation, we should be accessories to their murder. And if Great Britain shall presume, under her claim of perpetual allegiance, to execute one of them, who have been taken in arms defending their adopted country, we will convince her that our power, without any claim of allegiance over her subjects, is as well founded, by exercising it. In this opinion I am doubly fortified, by the President recommending the act of retaliation, and by his vote in the old Congress, to hang Aggill for Captain Huddy, when Aggill was given up.

This power was exercised by the patriots of the Revolution, and with so much success, that in the debates in Parliament, we are informed, there were but four cases during the Revolution—then it will be recollected we were liable to be hung as traitors, and that now it would be murder in Great Britain to hang us.

Sure I am, if Great Britain is rash enough to hang these unfortunate captives, it will be owing to the conduct of the minority upon this occasion.

The gentleman from North Carolina (Mr. PEARSON) tells us that such was our hostility to Great Britain, that for ratifying Jay's Treaty, which was so unexceptionable, Gen. WASHINGTON had been burnt in effigy; but on the inquiry where it had been done, the gentleman unfortunately fixed on Charleston, which their Representative (Mr. CHEVES) declared to be without foundation; and Mr. PICKERING said was a mistake, that it was Mr. Jay that had been burnt in effigy. Yes, sir, and that proceeded from the declaration

of General WASHINGTON to Edmund Randolph, that he never would ratify the treaty with the "provision article in it," whereby he kindled such a flame against it, that he himself could not extinguish it; and during the fervor it produced, Mr. Jay was burnt in effigy, nor do I believe there would have been much regret on the burning of the original.

This "provision article" was calculated to make us an accomplice in the starving of France, and was for that purpose inserted by Great Britain; then too, it will be recollected, that General WASHINGTON was such an admirer of France, that he said to their Minister on his presenting a pair of French colors, "To call you great would be but common praise—Wonderful people!"

However unexceptionable this treaty may have been, under it Jonathan Robbins was given up and executed, although he swore he was a native of Connecticut and had been impressed. Report has charged it on the then Secretary of State (Mr. PICKERING) without the authority of Mr. Adams; and as that gentleman is now in his seat, he will, by giving us the history of that transaction, enable the American historian to do justice to the man that did it.

The gentleman from New York (Mr. SHIPHERD) tells us we have gone to war for the phantom called honor. I, sir, have been taught to believe that honor in an individual was a substantial ingredient in his character, and regret that any Representative in Congress should consider it a phantom, in the character of the nation, that we had declared war to protect sailors' rights, and that every sailor in the nation was opposed to the war. A solitary tar in the gallery instantly exclaimed, "That's false; belay that fellow there!" This same gentleman exultingly tells us that Britain holds the trident of Neptune—that she is omnipotent on the ocean. Our contests with her on that element have shaken her empire of the ocean, and Captain Perry's signal victory on Lake Erie has marked him as the heir apparent to Neptune.

The gentleman from New York (Mr. SHERWOOD) puts us upon our guard not to offend the Eastern States; "that Connecticut, the State that gave him birth, is superior in arms to all the States to the south of the North river." Stately, thoughtless youth! Did he think anybody would believe him? Did he believe himself? I confess it defied my credulity. However, I rejoice in the strength of a sister State, because her strength increases the strength of the Union, and I have no fears that her arms will ever be turned against her country, although we are threatened with a civil war. The gentleman has forgotten the valedictory monitions of the Father of his Country, not to use geographical arguments, and put in array one section of the Union against another; but should the seditious speeches in Congress lead to that unhappy catastrophe, I can assure that gentleman that the sons of the South or Centre would not turn upon their heel to avoid a conflict with him, either physically or metaphysically.

Sir, we have already seen some of the fruits

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of this freedom of debate in the remarks of Mr. Blake, in the Senate of Massachusetts; unless, per adventure, he might have been under the operation of Doctor Henry's pills. "*Quid non mortalia pectora cogis auri sacra fames?*" He said, that "British influence did exist, and he was proud of it; he was proud of the fast-anchored isle; he was proud of their influence in America; their laws, their manners, their religion—all our blandishments in life are to be ascribed to that moral nation." He declared, "there was more practical liberty in England than in any other section of the globe; and he was ready to exchange the Constitution for that of Great Britain, monarchy and all." I have, notwithstanding, so much confidence in Massachusetts, that I am certain no man can be found in that section of the Union possessed of so much temerity as to induce him to play the part of Cæsar, when he beholds the drawn dagger in the hand of a Brutus by his side. And I confidently hope that no portion of this happy land will ever be found to produce a Cæsar that will not produce another Brutus. I wish, sir, that honorable Massachusetts Senator was in that gallery, and that I possessed the power of Orpheus, I would make that Goddess of Liberty heave a sigh and crimson her marble cheek for the apostasy of so degenerate an American.

The gentleman from North Carolina (Mr. Gas-ton) tells us that the war is offensive. Then, I suppose, the impressment of 6,257 seamen, and capturing 917 ships in time of peace, and refusing to give them up, was not offensive. He tells us Bonaparte insisted on our going to war if our rights were not respected. I would ask that gentleman what was the *rider* on that honorable arrangement Mr. Jefferson has been calumniated for rejecting? It was this—it was an instrument under the hands of the two British Ministers who signed the treaty, "that they were commanded by His Majesty to say that we must not submit to the Berlin decree of November, 1806; and that they cannot enter into the stipulations of the present treaty without an explanation from the United States of their intentions relative to that decree, or a reservation to His Majesty not to consider himself bound by the treaty in that event." It is well known France meant only our enforcement of the non-intercourse act, as the explanation of it and practice under it has proved. The gentleman finds great fault with the principle that free ships shall make free goods. Has our Government insisted on it? No. But if he will examine the history of the wars of 1737 and 1756, he will find Great Britain then insisting on it; then she was not omnipotent on the ocean, and wished the protection of law—but now, when we are told she holds the trident of Neptune, she prefers the *ultima ratio regum*; and we have ample testimony she means to use it to produce the *penultima ratio regum*—their interest. But he tells us we had like to have crowned our violations of all that was dear to the people, by adopting the French conscriptions. Would it not have been more in order to postpone his denunciations for our faults till we had committed

them, than through the anticipation of a disordered imagination to charge us with them beforehand? I would ask that gentleman whether French conscriptions, which I understand to be a draught by lot of a certain number from all the young men as they arrive at the age of eighteen, to serve for five years only, can be so outrageous as the impressment of all seamen, without a lot, to serve for life? He politely charges us with practising a ductility of mind that begins its work by deceiving itself. If that was the fact, I ask him if it is half so exceptionable as that ductility of mind that begins and prosecutes its work by deceiving the people? He concludes by charging us with legislating under Executive caprice. I wish I could charge them with not capriciously opposing every measure of Government, however intimately connected with its prosperity and happiness.

The gentleman from New York (Mr. Grosvenor) charges us with pouring out incessant invectives against the British Government, but he forgot to state that they were defensive, and to justify us against the invectives of the Federal party against their own Government. He tells us that the President's soul will be crimsoned with the blood of our officers and soldiers, by violating our act of retaliation, which is limited by the modern usage of nations. If our soldiers, taken in arms, fighting for their country, and carried to England, shall be executed, the honest historian will fix their blood on the head of the Opposition, and will I trust record on the same page their opposition to the law of retaliation, after being informed by the President that he had no such power without a law for that purpose. What ought to be the respect of the Army for them, who, when Britain had such a power, denied it to their own Government? This gentleman is so well read in the secret history of Great Britain, that he tells us these unfortunate captives begged a British captain, on their knees, for a pardon, and offered to enter into their service upon that condition. It was their ferocity, and the scalping knife of their red allies they feared, not their justice. He tells us Great Britain has a right to punish them under her municipal laws—that her claim of perpetual allegiance will justify her in punishing them as traitors. And if Great Britain punishes them under her municipal laws for treason, cannot we punish her subjects in our possession by our municipal law of retaliation? If Great Britain, after being informed as she has been of our intention to retaliate, shall murder one of them, and we retaliate, will she not be guilty, in a court of conscience, of the murder of her own subject? Whatever may be the case, I am sure that while she believes that will be their unhappy lot, she will not venture on the experiment. But if she shall, I have not a ray of doubt that the President will execute as many Britons in their places, agreeably to the law of retaliation which he has sworn to execute, and thereby stop the further effusion of innocent American blood.

When Mr. WRIGHT had concluded—

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Mr. CALHOUN rose and addressed the Chair, as follows:

Mr. Chairman, it is now more than two weeks since the commencement of this debate; most of which time has been consumed by the Opposition in attempting to prove the bad faith, poverty, folly, and injustice of our Government and country; for all of their arguments and declamation, however variant and contradictory, are reducible to two objections against the passage of this bill. First, that such is the want of capital, or of public credit, that the loan cannot be had, or it must be at an extravagant interest; and secondly, if it could, the bill ought to be rejected, because in their opinion the war is unjust and inexpedient. The last of these objections, I propose to discuss. To examine both at large would occupy too much time. Without, therefore, discussing the question whether the loan can or cannot be had, I will merely offer a few reflections incidentally connected with it. It is a little remarkable that not one of the minority has discussed the material points on this part of the subject; I mean the question, Is the money proposed to be raised by this bill indispensable for the service of the year? and, if so, is a loan the only, or best mode of obtaining it? The Chairman of the Committee of Ways and Means has presented an estimate of the expenses already ordered, or which must be, by which it appears that the sum proposed to be raised by this bill, with the other sources of the revenue, will be absolutely necessary to meet them. The silence of the Opposition sanctions the correctness of the estimate; and as no other mode has been indicated of obtaining the necessary supplies, this may be presumed to be the only one. It ceases then to be a question, whether the loan can be had at this or that interest. It is necessary; it must be had; and the rate per centum will depend principally on the state of the money market—and not on the arguments here. Again; on comparing the two objections to the passage of this bill, one of them destroys all confidence in the other. Our opponents contend not only that the loan cannot be had, but that it ought not to be granted. To defeat the passage of this bill, or to prevent its successful operation out of this House, are the declared objects of their policy. It is true that all have not made the latter declaration; but none, as far as my memory serves, have disavowed it. When, then, they argue that the loan must fail, they may be considered either as dupes to their wishes, or, what is more probable, as aiming to destroy the confidence of moneyed men in the public faith; for it cannot be presumed that they have any hope to defeat the passage of the bill.

But to proceed to the objection which I proposed to discuss. The war, say our opponents, is unjust and inexpedient, and therefore this bill ought to be rejected. The facts of the supposed injustice and inexpediency of the war, on which this objection rests, have claimed the exclusive attention of the Opposition. The inference deduced from them, that they justify the rejection

of this bill, though far from being an intuitive proposition, has received no part of their arguments or elucidation. For my part, I consider it not only false but dangerous; and shall therefore not only consider the alleged injustice and inexpediency of the war, but the inference assumed from those charges. I trust, with the attention of the Committee, to prove that both are equally unfounded. I must beg an attentive and deliberate hearing; for a correct mode of thinking on this subject, I do sincerely believe to be necessary to the lasting prosperity of our country. I say an attentive and deliberate hearing, for it is not sufficient that the mind be fixed on the discussion; but it should also be free from those passions and prejudices unfavorable to the reception of truth. The fact that discussion here assumes the form of debate, produces a state of things unfavorable to dispassionate attention. In debate here, as between two individuals, the opposite sides are much more disposed to find objections to an argument, be it ever so clear, than to receive it with a proper degree of assent. In their zeal the interest of the country is too often forgot. Mutual re-creation, and not to discover and persuade to do what is right, is but too commonly the object. I hope what I have to say will not be viewed as a mere exercise of skill in a discussion, in which those who hear me have little or no interest; but as containing principles believed to be essential to the public interest. I trust I hold in proper contempt the spirit of idle debate. Its heat and zeal are momentary. Not so with our principles and measures. On them must depend our future prosperity and happiness.

Is the war unjust and inexpedient? This is the question which I now propose to discuss. The eagerness and zeal with which our opponents endeavor to prove this point, seem to me not at all consistent with sound principles or due love of our country. In their zeal they often presume that we are wrong and our enemy right; and that on us is the burden to prove that their charges are false, before they have attempted to prove them to be true. How contrary this to the maxims of Roman wisdom! That wise and virtuous people, so far from presuming their country to be wrong, considered it as a crime in a citizen to doubt of the justice of the public cause. In a state of war how worthy of our imitation! It was at the root of Roman greatness. Without it a free State will ever lose much of its peculiar and native strength; the spontaneous and concurring zeal of its citizens. The charge of injustice and inexpediency against the war necessarily leads me to investigate its cause. It originated, as agreed on all sides, in certain commercial aggressions on the part of England, and her practice of impressing American seamen from American vessels on the high seas. Though I have named commercial injuries first, it is my intention to give impressment the preference in the order of discussion; not only because the war is continued for it, but because it is of greater intrinsic importance. The life and liberty of a citizen are more important to him and his coun-



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try than his property; and consequently the obligation to protect the former more sacred than the latter. To the truth of this position, our political institution bears testimony. A single judicial process determines on a question of property; but it requires a double investigation, first before a grand jury and then a petit, before the humblest and most suspected citizen can be deprived of life or liberty. This is a mode of thinking worthy of a free people, and in fact is essential to the permanent existence of their freedom. Yes, life and liberty, those precious gifts of Heaven, are by our laws and constitutions guaranteed to all. They may be abused and forfeited to the country; but cannot be torn away by the hand of arbitrary power. Let us bear these sentiments in our minds and bring them in our bosoms to the discussion of this subject.

It is fortunate that the facts connected with impressment are few and undoubted. I set aside for the present the pretext and principle on which Great Britain acts in relation to it. None can deny that a great number of American sailors have been impressed from on board American vessels on the high seas, and by force compelled to serve a sovereign to whom they owe no allegiance, and to fight battles in which they have no interest. It is equally certain, that the practice is of long continuance; and that negotiation has often and in vain been resorted to for redress. I say a great number rather than specify any particular, because I do not conceive the exact number to be material; and also, because I do not wish to incorporate anything the least doubtful in the statement. On this point, however, the two Governments are pretty well agreed. Ours estimates the entire number taken at something more than six thousand; and the British Government acknowledged that, at the breaking out of the war, they had sixteen hundred at least on board their public vessels. After deducting from our list the dead by battle and disease, the deserters and the liberated, it will be found that theirs exceeds our estimate. To the shame of the minority, they alone have attempted to throw any doubt on this point—and to diminish the injury of the enemy below their own acknowledgment. On this simple statement, there are two inferences so clear, that I feel it almost an insult to the understanding of this Committee to state them. I must seek for my apology in the efforts of our opponents to render that doubtful which in itself is so manifest; I mean the violation of the rights and liberty of the impressed American seamen, and the correspondent duty imposed on their country to defend them. I know of no illustration of a proposition so perfectly clear. No head can be so impenetrable as not to perceive its truth; no heart so callous as not to feel its obligation. For, who is there in this community of freemen, that is willing to renounce the claim of protection which he has on all, or withhold the duty which he is under to all? It is the essence of civil society. Such and so simple is the truth on which the cause of our country stands. On these essential facts and inferences we are then on all sides

agreed. The obligation of the Government is established. How then are we to be absolved from so sacred a duty? The impressed, the enslaved seamen have invoked the protection of their country. Shall it be extended to them, or shall it be withheld? This is the question now proposed for our consideration, and which naturally introduces the various arguments of the minority on this important subject. They combat against inferences the most clear and powerful; proportionally perspicuous and strong must be the reasons to justify their conduct. I will commence with that which I believe to be most relied on; because most frequently and zealously urged in justification of our enemy. It is said that they take American citizens by mistake, and not by principle; their object is to take their own seamen, but, from the impossibility of distinguishing, the American seamen is impressed. The answer is plain and decisive. The argument is founded in a misconception. The duty which the country owes to the impressed sailors originates in a single fact, that they are unjustly deprived by a foreign nation of their liberty. The principle on which they are deprived of their liberty, or the manner, constitutes no part of it. Whether done by principle or mistake, it is true, may have a bearing on the continuance of the practice and its future extent. For what is done by mistake or accident generally leaves this consolation, that it will not probably occur again; but what is done by principle may be expected to continue. We have not even this hope. The evil is inveterate. The mistake, if one it is, must forever happen so long as the present practice is continued of impressing from American vessels. It, therefore, operates, as it regards us, as if it were the result of principle. I, however, deny the fact on which this justification rests. The object of England is not to take her seamen only. By recurring to official documents on this subject, it will be found, that she impresses persons on board of our vessels who could not be mistaken for British sailors. She takes, indiscriminately, Dane, Dutch, Spaniard, and seamen of any nation. To speak another language and to wear a different complexion are, it seems, no evidence with the British Government that he is not an English sailor. What then is the principle of that Government on this subject? If we are to judge by facts, and not by pretexts, which will never be wanting, if we are simple enough to believe them, it is this: they claim, at least as far as we are concerned, that every seafaring person found on the ocean is presumptively an Englishman, and bound to serve the Crown of Great Britain. They admit, it is true, this presumption to be rebutted in a single case, and only in that; by the seaman proving that he belongs to the country to which the flag does under which he sails. If, for instance, the vessel is American, that he was born in the United States. The impress officer, the very person interested against him, is, however, the judge and jury who presides in this mock trial of nativity. It is thus that the American flag is insulted—it is thus the American citizen is

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stripped of his liberty under its protection! At home, he holds his liberty under the protection of the most sacred laws; abroad—no, I will not admit the distinction, for while under our flag he is still at home—he holds life and liberty at the mercy of every insignificant drunken midshipman! But let us attend for a moment longer to the object of this principle of the British Government, as illustrated by practice. A war in Europe, in which England is engaged, sooner or later, extends to all of the other Powers in that part of the globe. In consequence of her superiority at sea, the navigation and commerce of other States are destroyed, or suspended in a state of war; and their seamen, who cannot readily change their habits, are compelled to seek employment in foreign service. Until lately, America remaining neutral, and offering high wages, they naturally preferred ours. To this state of facts, her principle of impressing all foreign seamen was applied; and by its operation forced those who were by their own consent employed in our vessels, to serve by compulsion in her navy. Thus by a single process, under the pretext of taking her own seamen, the commerce and navigation of the world are converted into a nursery to support the British navy; and the practice of impressment from neutrals, on investigation, is discovered to be, like all of her other encroachments, a system of universal monopoly. Unless resisted by the steady and persevering efforts of other nations, she must eventually draw the commerce of the world into the vortex of her system.

It is next urged, that this is an ancient custom on the part of England, and Europe generally; that it is a part of the law of nations to impress on board of neutral vessels on the high seas. Those who urge this argument ought to substantiate it by a reference to the facts and to elementary writers on public law. Until this is done, it cannot be considered in a stronger light than a mere assertion. I, for my part, do not believe that it ever constituted the custom of Europe, or that of England, till since the period of the American war. If it were a general custom, why not recognised by some of the many writers on the laws of nations? They minutely state the cases in which a belligerent may enter a neutral vessel for the purpose of search. Why not this, also? None of the rights of search would be more important, and would better deserve their attention than this, if it really were one. Their silence, then, is decisive against the custom. I know that some English writers have set up an old claim, formed on the orders of their Government; but there is no proof of acquiescence on the part of other Powers; and, if they had, it could not be obligatory on us. The law of nations is composed principally of usages originating in mutual convenience. Among the nations of modern Europe who are distinguishable by their language and countenance, it is possible that impressment on board of neutral vessels there, may not be liable to the mistakes and abuses of which we complain, and even that it might be a mutual convenience. Such a custom, then, would not be ex-

traordinary. But were those nations related, as are America and England; and if the practice must, from necessity, be attended with incessant abuse, it never could exist. If our opponents, then, had proved, and not merely asserted, such a custom, as between us and England, our country would have formed an exception. It is not applicable to our condition; it is unequal, not reciprocal, and attended with incessant abuse. As applied to us, then, the general usage, if there were one, ought to be removed by treaty, so as to suit the mutual convenience of both parties; an object which this country has ever been anxious to effect, but which has been studiously avoided by our enemy. If, however, our opponents still insist that it is a right, under the law of nations, and must, notwithstanding the argument which I have advanced, be considered as applicable to us, we may meet usage with usage; or rather doubtful uncertain usage, and opposed to reason, by that which is undoubted, and founded in the very essence of civil society. If to impress in neutral vessels is a usage of England and the rest of Europe, how much more so is it to afford protection to the subjects against foreign violence. This is the usage which is certain and universal—not confined to any particular nation—not originating in accidental circumstances—all States, the most weak and contemptible, claim it; and it is so mixed into the very essence of society, that it cannot be relinquished without certain destruction. On this custom, which combines both right and duty, we may oppose any pretext or claim of our enemy.

But, say some of our opponents, we are willing to defend native-born American seamen, but not the naturalized. I know not how those who make this distinction can answer a simple question, founded on fact. American seamen—yes, sixteen hundred, at least, native-born American seamen, by the acknowledgment of the British Government, are impressed and held in bondage. If, then, you are willing to defend such, why not support the war now carried on solely for the defence of these unfortunate citizens? What avail is the declaration, that you are willing to defend them, when you will not move a finger in their cause? But the distinction between native and naturalized is without truth or reason. It constitutes no part of the controversy between the two countries. We contended for the defence of American seamen generally; the enemy has not distinguished between the one or the other class. He insists on continuing a custom which makes both equally liable to his oppression. We will not, we cannot, hear of a distinction, until some security is afforded against the abuse of which we complain. Until then, I can consider it only as an equivocation, which acknowledges the duty of the Government to protect, but evades the discharge of it. We are told that our seamen ask no protection, and that it is strange that those who are most remote and least interested should discover the greatest anxiety for them. As to the first part of this argument, I deny its truth. The sailors have claimed our protection. They

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have importuned and invoked their country for it. We have had their application for protection laid before this House in the form of a document. It forms a large volume. Considering the cold indifference with which we have heard their prayer, I wonder that they have not, long since, ceased to consider us as their guardians. But we who stand forth to discharge this sacred duty, are charged with being back-woodsmen, men who never saw a ship until convened here in our legislative capacity. Admit the fact, and what then? Such generous sympathy for those who stand connected with us only by the ties of citizenship, does honor to our country. I hope it is not strange. It is usual. Our history abounds with many instances of this sympathy of the whole, with any part. When it ceases to be natural, we will cease to be one nation. It constitutes our real union—the rest is form. The wonder is, in fact, on the other side. Since it cannot be denied, that American citizens are held in foreign bondage, how strange that those who boast of being neighbors and relations, should be dead to all sympathy, or should not have the manly spirit to make a generous effort for their relief! There was a time when our opponents, to their honor, were not so cold on this subject. The venerable gentleman from Massachusetts, and another gentleman, high in the ranks of his party, formerly felt and spoke as we now do on it—like Americans. How unhappy the change! how unaccountable! Unless, indeed, by the poisonous effects of the spirit of systematic opposition; a spirit which, I lately observed on another occasion, clings more strongly to the cause of a party, than that of the country.

But great frauds, say our opponents, are committed in the certificates of protection. I will not spend much time on this frivolous argument. What right has England to complain of the frauds, if they really do exist? Whether they do or not, I do not think worth the inquiry. The argument, taken at the best, can have no weight, except with those who think that the freeborn citizens of this country, under our flag, are to be protected, like a slave, by a pass in his pocket. To give weight to it, we must forget our rights and duties as an independent nation. The framers of the law, under which the protections are taken out, did not intend that they should protect while navigating the ocean. The object was to identify the seamen as Americans in the ports of foreign countries; and this construction has been given to it by our Government in its negotiation with the British. In this view, the law is not unworthy of the wisdom and independence of our country; but I can scarcely conceive a greater national degradation than the policy of affording protection to our seamen on the high seas and under our flag, by a pass.

On the subject of impressment one argument only remains to be replied to. The practice of taking seamen in our vessels is necessary, say our opponents, to the existence of England. I would be happy to know the reason why it is necessary. We have pledged ourselves by a law, which we

offer to make the basis of a treaty, not to employ a single British sailor. The provisions of the bill are ample; and we are willing to give her every reasonable security on this point. When the assertion is then made, in the face of this law and disposition to exclude her seamen, that the practice of impressing on board of our vessels is necessary to her existence, it must be meant, if anything is, in relation to American sailors. If so, before we surrender our rights and duty to the disposition of a foreign Power, I think it would be prudent to establish two points connected with this subject. In the first place, it ought to be clearly proved to be necessary to the existence of England. I, for one, will not agree to yield our independence on mere assertion, however respectable the authority may be by which it is made. In the next place, it ought to be proved to be our duty to submit. The sense of moral obligation is peculiarly strong in the bosoms of the American people. However great the sacrifice, if our opponents can establish it to be their duty, I dare pledge myself they will make it. Till both are satisfactorily proved, it would be highly unreasonable for them to demand of this country an acquiescence in a practice so ruinous. Our existence is at stake no less than hers; or, rather, the danger to her is imaginary, to us, real and certain. An undeviating attachment to its duty is the blood and life of a free State. Habitual departure from it must, sooner or later, be fatal. It infuses a poison into the system which will corrupt and destroy. Take this very case. It is our duty, most sacredly our duty, to protect the life and liberty of our citizens against foreign oppression. Instead of doing our duty, we have, for many years, quietly beheld them forced into a hateful foreign service. What has been the reason of this conduct of ours? The want of power? No; a vigorous and decisive effort in the very first instance, before the enemy had learned to be arrogant by our submission, would have strangled it in its birth. We yielded because we wished to enjoy the blessings of peace, its ease, its comforts, above all, its means of making money. The practical language of the Government to the people was, it is better to be rich than to be virtuous. Can we, then, wonder at the alarming growth of avarice? It is to be traced back to the original sin of our Government. The first American citizen impressed, and not immediately liberated, was good cause, in my opinion, imperious cause of war. No calculation of gain should have prevented it. To do our duty is more important than to be rich.

Before I take my leave of this subject, I will present to the Committee what I consider as a confession of the justice of our cause, and the correctness of our policy. I allude to the habitual and obvious misstatement which our opponents make on this subject. They say that we continue the war to compel Great Britain to renounce the right of impressing her own subjects. They must know that this is not the fact, and that it is calculated to mislead the opinion of the people. Why not state it as it really is? Why

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not say, what they know to be true, that the war is continued to protect from impressment American sailors? Is it not a fear of the public sentiment? Is it not a strong acknowledgment that the principle we contend for, if understood, would meet with kind and congenial feelings in the bosom of the American people? When the head is right, there is, among a free people, but little danger of the heart. When they are agreed in facts and inferences, they will never disagree in sentiment.

I will now proceed to consider the next cause of the war, the injuries done by Great Britain to our commerce. It is not my intention to speak of them in the detail, or to consider them as particular acts injurious to our trading interest. This view has been often presented, and is well understood. I propose to ascend to their origin, and to point out the spirit and principles of the Government from which they have flown. This view has not yet been taken, though it is of the most interesting nature. The detail of British injustice may rouse our indignation, but it is only by reflecting on the principles and character of her Government that we can justly appreciate the extent of our danger, and the measures best calculated to counteract it. Even the repeal of her Orders in Council, and the consequent suspension of commercial injuries, do not strip this view of the subject of any of its interest. For it ought ever to be remembered that the orders rescinding the celebrated orders of 1807 and 1809, expressly retain their principle. They, then, only slumber; and, as sure as we exist, her temper and policy will rouse them into action on the first suitable occasion, unless prevented by the firm and spirited conduct of this and other nations interested in a free trade. The commercial policy of Great Britain, which has vexed and annihilated the commerce of every other nation, began distinctly to develop itself in the year 1756, from which time to the present, I assert, without the fear of contradiction, she has habitually struggled to enlarge what she terms her maritime and belligerent rights on the ocean, at the expense of neutrals. The assertion is predicated on historical facts, which the general information of most of the members of this Committee will enable them to decide for themselves. I have neither the inclination nor the time to recite and examine the whole series in connexion. I will content myself with taking a brief notice of some of the most leading and characteristic facts. At their head, in point of time, is the order which takes its name from the year already mentioned, and which distinctly marks the commencement of this policy. The character of this celebrated rule or order is so well known as to need no comment. In the war of our Revolution she still farther enlarged her maritime and belligerent policy, particularly in the shape of blockades, since so enormously extended. This, and other encroachments at that time, produced that association of nations called the Armed Neutrality. The object of it was to check farther encroachments, and to remedy those that already existed.

It was acceded to by almost every nation in Europe. On the breaking out of the French Revolution, she, in pursuit of the same policy, made farther encroachments. One of the most considerable, and which was severely felt by this country, was an enlargement of articles contraband of war, so as to extend them to the numerous and important articles of breadstuffs. This was during Washington's Administration, and was the principal one of that period of our history. Preparations were then made to appeal to arms for the redress of so serious an injury, but was prevented by England's agreeing to make compensation for the injuries which we had sustained. With such spirit did our Government then act, although the injury then sustained dwindles into nothing compared to the present; and with so little accuracy has a gentleman from New York (Mr. GROSVENOR) spoken, who not only magnified the aggressions of that period over the present, but stated that Washington was unwilling to resort to arms for redress. In the present war with France, her maritime and commercial policy has hastened to its perfection. In the year 1805 it assumed an aspect most threatening to our commerce. It fell on our carrying trade, at that time in a most flourishing condition. Let it be remarked—let it be laid up in our memory—that the old rule of '56, the parent of all these aggressions, was, after many years, revived, and made the apology for our wrongs. Just so may we expect the revoked orders to revive. Blockades and Orders in Council followed the destruction of our carrying trade. They are too recent, and too severely felt, to need a particular recital. Negotiation was tried—negotiation failed; and the injuries continuing, have ended in the present relation between the two countries.

The English maritime and belligerent policy is not only such as I have proved it to be, but it is a policy peculiar to her, and is in opposition to the interest of the rest of the world. It is the interest and wish of all other civilized nations to ameliorate, or, if the expression is justifiable, to humanize the belligerent rights on the ocean. England stands alone. To establish this position it would be necessary to consider a little more in detail the series of facts to which I have already alluded; but, as I am fearful of being tedious, I must check my inclination and confine myself to a few observations only. A signal proof of the peculiar policy of England may be found in the history of the armed neutrality, which had for its object, as already observed, the restriction of some of those pretended belligerent rights. Russia, Sweden, Denmark, Portugal, Spain, and even France, though then a belligerent Power, acceded to it. It may however be said, that France, too, has often committed injuries on neutral trade. The fact is admitted. But without wishing to apologize for her, I conceive there has been a marked distinction (arising out of her situation) between her conduct and England. The latter has steadily pursued a policy hostile to neutral commerce on established principles; the former has been irregular in her hostilities, indicating

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more of passion than system. Besides, she has always expressed a regret for her injuries; and represented them, however unjustifiable, as intended to counteract those of England.

It remains now to prove what is the tendency of the British maritime and commercial policy; and where, if not counteracted, it will consummate itself. Reason and the general convenience of nations have for centuries established certain usages, by which belligerent Powers are in many instances restrained from doing all the injury in their power to each other from a regard to the interest of others. These usages constitute the rights of neutrals, which are for the most part well defined by the many writers on the laws of nations. Under the cover of what she calls her belligerent and maritime rights, the object and tendency of the British policy is to throw all those restraints on the ocean. It is in fact to undo all that has been gained to civilization on that element, and to return to the lawless state of barbarous ages. It is the interest of every other Power to restrain her within the limits of the ancient barriers; for if they are once transcended, there are no limits but what her power or interest may dictate. Neutral commerce, as such, will be annihilated. She will judge according to her pleasure what is beneficial to her enemy, and what to herself. The latter will be spared, the former destroyed. Nor will the evil stop here. The waves of power are incessantly washing away the mounds that restrain them. The transition is easy from this boundless extension of her belligerent policy, to a system of universal monopoly, in peace as well as war; a system which considers the ocean as her peculiar domain. I omitted, in its proper place, an argument which strongly illustrates this part of the subject; I allude to the great changes made in the British Court of Admiralty. Formerly it held jurisdiction, like all similar tribunals in other countries, under the laws of nations only. It was the creature of those laws, and intended only to carry their rules into execution. They were, of course, not under the municipal laws of the country where they happened to be located, as far as it regarded the rules of their decision. Thus constituted, they were one of the principal ornaments of the civilization of modern times. The whole of this is now reversed. The Courts of Admiralty receive laws as regularly from the British Government, as those of Westminster. The only difference is, that the statutes of Parliament form the rules of decision to the one, and the Orders in Council to the other. It is thus that England legislates for the ocean, and consequently for the world, on that great highway—and has her proper tribunal, with commensurate jurisdiction, to carry into effect her laws. But why should I consume time to prove her maritime policy? Who is there so stupid as not to see and feel its effect? You cannot look towards her shores and not behold it. You may see it in her Parliament, her prints, her theatres, and in her very songs. It is scarcely disguised. It is her pride and boast. The nature of her policy is then manifest and admitted; but

it will be asked how can you counteract it? I answer, by the measures now pursued; by force, by war: not by remonstrance, not by negotiation; and still less by leaving it to itself. The nature of its growth indicates its remedy. It originated in power, has grown just in proportion as opposing power has been removed, and can only be restrained by power. Nations are for the most part not restrained by moral principles, but by fear. It is an old maxim, that they have heads but not hearts. They see their own interest, but do not sympathize for the wrongs of others. Such is the fact in relation to England. When neutrals are numerous and powerful, their rights are in some degree respected; when few and inconsiderable, despised. This last has been the unfortunate state of the world for the last twenty years. That counteracting influence, that repulsive power by which she was bound to her proper orb, has been almost wholly removed. This country alone was left to support the rights which belong to neutrals. Perilous was the condition, and arduous the task. We were not intimidated. We stood opposed to her usurpation; and by our spirit and efforts have done all in our power to save the last vestiges of neutral rights. Yes; our embargoes, non-intercourse, non-importation, and finally war, were all manly exertions to preserve the rights of this and all other nations from the deadly grasp of the British maritime policy.

But, say our opponents, these efforts are lost—and our condition hopeless. If so, it only remains for us to assume the habit of our condition. We must submit—humbly submit—crave pardon, and hug our chains. It is not wise to provoke where we cannot resist. But let us be well assured of the hopeless nature of our condition before we sink into submission. On what do our opponents rest this despondent and slavish belief? On the recent events in Europe? I admit they are great; and well calculated to impose on the imagination. Our enemy never presented a more imposing exterior. His fortune is at the flood. But I am admonished, by universal experience, that such prosperity is the most fickle of human condition. From the flood the tide dates its ebb; from the meridian the sun commences his decline. There is more of sound philosophy than fiction in the fickleness which poets attribute to fortune. Prosperity has its weakness; adversity its strength. In many respects our enemy has lost by those very changes which seem to be so much in his favor. He can now no more claim to be struggling for existence; no more to be fighting the battles of the world, and in defence of the liberties of mankind. The magic cry of French influence is lost. Hence were drawn those motives which stimulated her efforts almost to a morbid action; which united the Continent to her cause, and in some degree damped the ardor of her rival in power. In this very Hall we are not strangers to their magic influence. Here, even here, the cry of French influence, that baseless fiction, that phantom of faction, now banished, often resounded. I rejoice that the spell is broken by which it was attempted to bind the generous spirit of this

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country. The minority can no longer act under cover; but will be obliged to defend their opposition on its intrinsic merit.

It is not in this respect only, that our enemy has lost by the late events. The tremendous and exhausting conflicts of this and the preceding campaign, seem at last to dispose the Continental Powers to peace. If they have a just conception of their true interest, and are not prevented by British gold and intrigue, a Continental peace will ensue. There certainly is much alarm in England on the probability of such an event. Should it fortunately be the case—should the allies prove content with their fortune, and France submit to her present limits, all Europe must speedily combine against the British maritime policy. The great Power on land being crushed, to use the language of our opponents, but more properly being forced within proper limits, the great monopolist on the ocean will, I trust, be the next object of fear and resistance. The principle of the armed neutrality is not and cannot be forgotten. It exists essentially in the policy of modern Europe. Ever since the discovery of the passage round the Cape of Good Hope, and of this continent on which we have the proud pre-eminence of being the first great civilized Power, a great change has gradually been working in Europe. For two centuries the character of that part of the world has been eminently trading and commercial. The habits of every part is formed on that state of things. There lives scarcely a human being, from the ice and snows of Siberia to the sunny plains of Italy, who has not some habit, the gratification of which depends on commerce. Hence it has become an object of primary policy. All of the wars in Europe, for many years, have, with few exceptions, been more or less connected with it. The policy of every Court has been to obtain commercial supplies on the best terms, and as much as possible through the agency of their own subjects. With such habits and policy, it is impossible that they can behold with indifference the monopoly of Great Britain. They will not quietly suffer the common highway of nations, intended by a kind Providence for the common intercourse and benefit of all, to be converted into a domain of her Crown. No; the ocean cannot become property. Like light and air, it is insusceptible of the idea of property: Heaven has given it to man in such abundance and perfection, that no art or industry of his is needed to increase its quantity or improve its quality. All Empires attempted to be raised on it must partake of the fickleness of its waves. A policy so injurious to the common interest of mankind, must sooner or later unite the world against her. For many years, her encroachments, under the dread of France, have advanced without exciting much jealousy. The attention of all the nations of Europe was exclusively directed to the maintenance of their existence, menaced by the power of France. To preserve life is more important than to acquire comfort; so, to resist that Power was more imperious than to oppose England. Liberated now from fear, they

will soon have leisure to attend to their interest. The difference between our policy and that of other nations in this respect, is only in appearance, and not reality. Each acted in a manner suitable to the circumstances under which it found itself. Attachment to France, as proclaimed by British partisans, formed no part of our policy. We were safe from the danger with which her power menaced other nations. A broad ocean was our immediate security. We resisted that Power which then and now presses on us, and which will soon cause itself to be felt and resisted by all. Should the course of events be such as I have described, then will the wisdom and spirit of our country be universally applauded. Our situation was trying and responsible. We alone had to sustain all the rights and duties attached to the neutral character. We were not intimidated by its difficulties. We dared, single-handed as we were, to make a stand against the favorite and obnoxious policy of our enemy. The present and temporary interest of commerce was nobly surrendered for its permanent advantages. The example can scarcely fail to produce its effect; but if unfortunately we should be left alone to maintain the contest; and if, in consequence, which may God forbid, necessity should compel us to yield for the present, yet our generous efforts will not be in vain. A mode of thinking and a tone of sentiment are excited, that must stimulate to future and more successful struggles. What we cannot effect with eight millions of people will be done with twenty. The great cause will not be yielded: No; never! never! We cannot renounce our right to the ocean which Providence has spread before our doors; nor will we ever hold that which is the immediate gift of Heaven under the license of any nation. We have already had success worthy of our cause. The future is audibly pronounced by the splendid victories over the Guerriere, Java, and Macedonian. We, and all nations, are in them taught a lesson never to be forgot. Opinion is power. The charm of British naval invincibility is broken.

In this, the only just view of our contest, how pitiful appear the objections of our opponents! Some pecuniary difficulties in Massachusetts and in other places. And must we for them renounce our lasting prosperity and greatness? Have we no fortitude: no self-command? Must we, like children, yield to the impulse of present pleasure, however fatal? If the maritime parts of Massachusetts suffer, let them remember that if the war should be successful, if our future commerce and navigation should be secure, they will partake most largely in the advantages, common and great indeed to all, but peculiarly so to them.

Suppose that our opponents, who object to everything, had been at the helm of Government; and that an opposite line of policy had been pursued. No embargoes, no non-intercourses, no non-importations, no war, and, in fact, no resistance to the injuries and aggressions of Great Britain. Who can be ignorant of what would have been the consequence? They would have multiplied in number and degree till our com-



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merce would be annihilated. Unresisted, they would constitute future principles, and our acquiescence be construed into an acknowledgment of their truth. Then would we have felt what the experience of all ages has taught; that it is more easy to maintain than to wrest back usurped rights—wrongs submitted to, produce contrary effects in the oppressor and oppressed. Oppression strengthens and prepares for new oppression. The first wrong, by the universal law of our nature, is most easily resisted. It excites the greatest degree of union and indignation. Let that be submitted to; let the consequent debasement and loss of national honor be felt, and nothing but the grinding hand of oppression can force to resistance. I know not which to pronounce most guilty; the nation that inflicts the wrong, or that which quietly submits to it. In other respects the difference is marked. The former may be hated, but is respected, at least feared; while the latter is below pity, and any other feeling of the human heart, but sovereign contempt. In submission then there is no remedy; our honor lost; our commerce under the control of our oppressor. What next? The hopes and fears (those universal instruments of Government) of the whole mercantile parts of this country, and all connected interests, would be turned towards Great Britain; for the power of legislation over our commerce would be virtually transferred from the American Congress to the King in Council. Need I trace the consequence? The beams of mid-day sun are scarcely more clear. The very contempt which such baseness would excite, justly excite, in our enemy, would insure our slavery. It is impossible to allow any right, much less independence, to that which creeps and licks the dust. Such is the condition of our nature. We must have the spirit to resist wrongs or be slaves. Such were the alternatives presented to our country; and such would have been the result of the opposite policy, now recommended and applauded by our opponents. I have now delivered all that I intended on this most interesting view of our case. It has an elevation and clearness which render it attractive to my mind. I love to dwell on it, because it imparts a steady and clear conviction of the wisdom and necessity of that course of measures, to the adoption of which it is my pride to have in part contributed. I feel how little interesting all of the common topics of opposition are, after the view already taken. The descent gives a shock, which I know the Committee will partake with him who is addressing them. If, however, they will continue their attention, I will offer a few observations on a subject which has made a principal figure in the speeches of our opponents.

I allude to the character which they give to this war; that it is offensive and not defensive. On this point, I spoke fully when the Army bill was under consideration. What was then said has been introduced and objected to on this occasion. I then stated, the difference between an offensive and defensive war consisted in the motive and cause. If, for instance, a war is forced on the nation waging it by the oppression of that against which it is

declared, it would be defensive, however it might be carried on; but if, on the contrary, it originated in ambition, or any improper motive, it would be offensive. This distinction is not supported by reason, but by the declamation of our opponents. They have for almost two years been in the habit of denouncing offensive war. They then acknowledged that such a war is wicked, and how can it bear that character but by its cause? It seems, now, that they have changed their grounds. We hear no more of the wickedness of offensive war; but, what is most strange, all their efforts are made to prove that it may be an innocent and virtuous thing. That nation, say they, is engaged in an offensive war, who first assumes a warlike attitude. However just, however necessary the cause of assuming it, the war is still offensive. Be it so. I care not for words. My answer is decisive. If my conception is just, that an offensive war is to be tested by the cause, I then pronounce ours not to be of that character; but, if your definition is correct, then an offensive war may be most just, most virtuous and necessary, and all of your declamation against it is idle and unmeaning rant. I tender an option, and care not which is taken. Those who defend a bad cause act imprudently in descending to particulars. Our opponents by doing so in this case have furnished the best reply to their own arguments.

On expatriation and retaliation, I will say nothing. The hour is late and I feel myself somewhat exhausted. I pass it the more cheerfully, as the gentleman from Louisiana (Mr. ROBERTSON) and my colleague have replied freely to the objection on those subjects.

Before I proceed farther, it will be necessary to restate the propositions with which I commenced, so that the entire chain of the argument, both that which has already been advanced, and what remains to be, may be distinctly seen. It will be remembered, that I reduced all the arguments and objections of our opponents to the passage of this bill into two general propositions. First, that the loan cannot be had, or must be had at an exorbitant interest; and in the next, if it could be, still it ought not to be granted, because the war is unjust and inexpedient. I also stated that the latter position comprehended the assertion of the facts of the injustice and inexpediency of the war; and the assumed inference that they would, if true, justify the minority in their opposition to, and rejection of the war. On the alleged injustice and inexpediency of the war, I have presented my opinion; and trust I have satisfied the Committee that its justice is demonstrably clear and its expediency unquestionable; or rather its necessity imperious, if the preservation of the independence of the country constitutes political necessity.

But is it justifiable to withhold the loan, admitting the war to be, in the opinion of our opponents, unjust and inexpedient? This is the question now proposed to be discussed. It contains the practical consequence of all that has been said in opposition. Few propositions in-

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volve principles so deeply connected with the lasting prosperity of our Republican institutions; and in which, consequently, it is more necessary to think correctly. Error here cannot be indifferent. A false mode of thinking must endanger the existence of the Republic. I must then again entreat the attentive and deliberate audience of the Committee, while I offer my opinion and reasons on so interesting a subject.

In considering the question, how far a war thought to be unjust or improper by any portion of the people, would warrant their opposition to it, after it is constitutionally declared, I will set out of it extreme or flagrant injustice. A war impious or sacrilegious cannot be governed by the general rules which apply to ordinary cases. At least, it is not necessary for me to consider such extreme cases, as none can impute a character of that kind to the present.

I have already stated that the sum proposed to be raised by this bill is indispensably necessary to meet the expenses of the ensuing year; and that if it is withheld, it must communicate a fatal shock to public credit. In that event, not only the invasion of Canada would be prevented, which some gentlemen state to be their object, but the whole operations of the war, even that which is defensive in the strictest sense, would be abandoned. Officers and soldiers will no more serve in our garrison than Canada without pay. It is idle to talk of preventing the reduction of the enemy's provinces only by withholding the loan. Nor can gentlemen be serious. They have opposed every attempt to raise supplies in whatever shape it has appeared. They appear to be bold in facing bankruptcy. But have they reflected on the disastrous effects of their efforts should they be successful? The old and recent creditors of the Government, the Army, the Navy, which they boast of cherishing; in a word every individual would feel the calamity, for private no less than public credit would partake of the shock. I am wholly at a loss to perceive on what principle of expediency, policy, or morality, such conduct can be justified. Surely it is not an intuitive proposition, that, because the war is simply unjust and inexpedient in the opinion of the minority, therefore they have a right to involve the country in ruin, and place it bound as a suppliant at the feet of an haughty enemy. They then ought to state some intelligible and satisfactory principle on which their conduct may be justified. I have sought with attention, but have not found the semblance of such a one. On the contrary, all the analogies of private life, as well as reason, forbid and condemn the conduct of our opponents. Suppose a father do some act, which, in the opinion of a son, is not strictly just or proper, by which he becomes involved in a contest with a stranger. Would the son be justified in taking part against him? How much less then can any party be in opposition to their country in a war with another nation, for it stands in the place of the common parent of all, and comprehends, to use the language of a member, (Mr. GASTON,) all of the charities of life?

But what will be thought of the motive and conduct of the minority, when I state that much the greater part of the expenses of the war, for which this bill is intended, in part, to provide, has been incurred by their votes as much as by that of the majority. I hold in my hands the Journal of the 1st session of the 12th Congress, by which it appears that the report of the Committee on Foreign Relations was supported, not only by the votes on this side of the House, but by a decided majority on the other. The report ended in recommending six resolutions to the adoption of the House: to fill up the old establishment; to raise 10,000 additional troops; to increase the Navy; to provide for calling out of the militia; and to authorize the arming of private vessels. On the first of these there was a minority of eleven votes only—so unanimous was this House at that time! On some of the others, it is true, it was more considerable; but all met with the support of the gentlemen on the other side. What ought to be particularly noted is, when the Senate and this House disagreed on the second, to raise an additional number of regular troops, the former supporting 25,000, and the latter at first 10,000 men, it was increased to the Senate's number by the votes of the minority. The leading men on the side of the Opposition at that time, among whom was a gentleman from Massachusetts well known in this country, (Mr. QUINCY,) and another from New York of great influence, (Mr. EMOTT,) and many whom I now behold, voted for the report. I have taken the trouble to turn down the pages where the respective votes are recorded, for the satisfaction of any member who may desire it. With what countenance can our opponents then withhold the supplies for expenses incurred by their own votes? Will they say that they knew not the object of the report? Miserable the excuse, and such as it is, not founded in fact. War with Great Britain was unequivocally announced; and even the invasion of Canada, now so hateful to them, was distinctly avowed. Was their object to embarrass, and finally to put the majority out of power? Will they dare to make an avowal so disgraceful to their party? The truth is, that the necessity of the war was, at that time, almost universally acknowledged; and as to its justice, no one doubted it. Its injustice was an invention of a period long subsequent. It is thus, that consistency, no less than reason, ought to check the minority in their opposition, and to induce them to unite with us to carry the war to a successful issue.

I would be glad to know what limits our opponents have prescribed to their opposition. If the supplies may be withheld because the war is unjust and improper in their opinion, will not the same reason justify every species of resistance both in and out of this House? If the public faith solemnly plighted—if the happiness of the country, are no checks to opposition, I see no reason why the laws or Constitution should be. Let some intelligible limitation be prescribed. I see none—to me it appears lawless. I know it will be said, is all opposition to be proscribed? Is none

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justifiable? We proscribe nothing. We propose no law; no restraint on the conduct of the minority. We appeal to the virtue and the intelligence of the community only. On the people must finally fall the ruinous effects of erroneous and dangerous principles. If our liberty is lost, theirs is the cost. Our Constitution supposes a degree of good sense and virtue in them adequate to self-government. If the fact is not so, our system of Government is founded in error. They only can arrest the effects of dangerous opposition. What they permanently condemn will meet with no support here.

How far the minority in a state of war may justly oppose the measures of Government, is a question of the greatest delicacy. On the one side, an honest man, if he believed the war to be unjust or unwise, would not disavow his opinion; but, on the contrary, an upright citizen would do no act, whatever he might think of the war, to put his country in the power of the enemy. It is this double aspect of the subject which indicates the course that reason approbates.—Among ourselves at home we may contend; but whatever is requisite to give the reputation and the arms of the Republic a superiority over its enemy, it is the duty of all, the minority no less than the majority, to support. Like the system of our State and General Governments—within them are many; to the world but one. So it ought to be with parties; among ourselves we may divide, but in relation to other nations there ought to be only the American people. In some cases it may possibly be doubtful, even to the most conscientious, how to act. It is one of the misfortunes of differing from the rest of the community on the subject of war.

I cannot refrain from alluding to an observation made by a gentleman from North Carolina, (Mr. GASTON,) connected with this view of the subject. Speaking of the reduction of Canada, he observed, that his judgment and feelings were at variance; that when he consulted the former, he believed our efforts would be unsuccessful; but when the latter, his regard to the interest of his country led him to hope for success. I do not allude to this observation to point out any contradiction between it and his opposition to the passage of this bill; though I think it would be difficult to reconcile them. My object is to make an open acknowledgment to him for what I think the commencement of a more correct mode of thinking in relation to war. I thank the gentleman for his good wishes; and that in relation to the reduction of Canada, I know it does not contain an approbation of the attempted conquest—but it comports with the conduct of a good citizen, that since the attempt is determined on by the constituted authority, to wish it well. This seems to me to be in the true spirit of an honest Opposition; and I hope it will be so extended as to influence the general conduct of the minority. It is thus we may divide among ourselves, and the national strength not to be impaired. For I do not believe with those members of the minority who assert there is no loss of strength by their

opposition. We are asked by them, why have you not effected your objects? you command the purse and the sword of the country, and can order whatever is necessary to be done. I will tell you the reason—because we have not your good wishes; it is this only which can add heart to heart. Government, it is true, can command the arm and hand, the bone and muscle of the nation; but those are powerless, nerveless, without the concurring good wishes of the community. He who, in estimating the strength of a people, looks only to their numbers and physical force, leaves out of the reckoning the most material elements of power—union and zeal. Without these, the former is inert matter. Without these, a free people is degraded to the miserable rabble of despotism; but with these, they are irresistible.

The same gentleman made an assertion which I am bound to contradict. He asserted, without attempting to prove, that this House had degenerated into a mere registering body of Executive edicts. A sense of decorum prevents me from speaking of the charge with merited severity. I will not meet the assertion with arguments, but assertion. It is easy to assert, but slow and difficult to prove; it were hopeless to oppose the latter to the former—the creeping pace of the one is no match for the winged rapidity of the other. I then assert that what the gentleman has said is untrue in fact. [Here Mr. GASTON entered into some explanation, and denied the use of the word registering; and concluded by wishing to know in what sense Mr. C. used the word untrue.] Mr. C. said, simply as implying that the fact is not as Mr. G. stated, and that he had too much respect for him to have an allusion to any other sense.

Some arguments and observations of mine on a former occasion, on the nature and character of opposition, have on this called forth replies from many of the minority, and particularly from the gentleman just alluded to. He asserted that a majority might also be a faction, and cited the Federalist to prove its truth; with the additional fact, that when it is one, it is far more dangerous than a factious minority. If the gentleman had been more attentive, he would have found that there is nothing in my arguments that contradicts the position taken in the Federalist. What I said was in reply, and was intended to refute the assertion of our opponents on that occasion, that all the misfortunes and miseries of free States originated in the blunders and folly of majorities. The error of this opinion I then sufficiently exposed both by experience and reason. It has found no advocate on this occasion. I will not again repeat my reasons, but simply restate, that opposition in free States is strongly inclined to degenerate into a struggle for power and ascendancy, in which the attachment to a party becomes stronger than that to the country. This opinion, I conceive, is incontrovertibly established; in fact, the truth of it is but too manifest to all who have looked into the character of man, or who are acquainted with his history. On the contrary, I feel no disposi-

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tion to deny that the majority may possibly become factious—that is, cease to consult the general interest. I claim no peculiar exemption for them; it made no part of my argument; I stated principles, but left their application to the good sense of the community. Much less do I feel disposed to contest the position that, if such a majority could and should by any misfortune exist in this country, it would be more dangerous than a factious minority. I could not doubt, for instance, that if the present minority could be swelled into a majority by the addition of one-third more to their ranks, and that they should, when in power, retain all the principles which I hear them daily advance in this House, that they would not only be more dangerous than they now are, when their power is to divide and distract; but that it would be the greatest calamity that could befall our country.

A very important view of this subject yet remains to be presented to the Committee; but I feel that the hour is too late, and I am too much exhausted to enter so fully into it as it deserves. The view alluded to is the effects of this war, which has been pronounced so ruinous by our opponents. On examination, strong reasons will be found, to believe that it is daily producing the most solid and lasting advantages to the community.

It has already liberated us from that dread of British power, which was almost universal before the declaration of war. If we have done little against our enemy, he had done still less against us. What the state of public feeling was on this point, may be in some degree inferred by the debates in this House before the declaration of war. I cannot but express my surprise at an assertion of a gentleman from Virginia (Mr. SHEFFEY) that all of his fears and predictions had been realized. Has he already forgot the speeches in which he and his friends portrayed the effects of the war in such glowing and terrific colors? Rebellion, civil war, prostrated liberty, and conflagrated towns, all mingled in one horrid group. [Mr. SHEFFEY here explained.] It seems that the gentleman has availed himself of the usual privilege of political prophets. If events turn out anything like their prediction they are claimed as fulfillments; but if entirely opposite they are explained away. No one who hears me, but will acknowledge that the dread of England was great and general. Her power over our hopes and our fears were too great for our complete independence, and but illy comported with the steady pursuit of our own peculiar interest. From this state the war has liberated us, I hope forever.

We have also acquired in some degree, and are progressively acquiring, what to me appears indispensable in the present state of man and the world; military skill and means, combined with the tone of thinking and feeling necessary to their use. Occasional privations are always to be encountered in the defence of national rights, and the habits necessary to meet them with fortitude are of the greatest importance. I know how much this country is attached to peace and quiet

industry. I know how delightful repose and safety are to our nature. But universal experience and the history of those nations with whom we are necessarily connected forbid me to indulge in the pleasing dream, that any degree of prudence or justice on our part can render such a state perpetual. The ambition of a single nation can destroy the peace of the world. We must then submit to the inscrutable law of our nature, which forbids the hope in this world of uninterrupted peace and enjoyment. We must also, as prudent men, rejoice at the acquisition of those national qualities necessary to meet the vicissitude of war when unavoidable. Connected with this subject, I rejoice to behold the amazing growth of our manufacturing interest. I regret that I cannot present my thoughts fully on this important subject. It will more than indemnify the country for all of its losses. I believe no country, however valuable its staples, can acquire a state of great and permanent wealth without the aid of manufactures. Reason and experience both, I conceive, support the position. Our internal strength and the means of defence are by them greatly increased. War, when forced on us hereafter, will find us with ample means; and will not be productive of that distressing vicissitude which follows it, where the industry of the country is founded on commerce, and agriculture dependent on foreign market. Even our commerce in the end will partake of the benefits. Rich means of exchange with all of the world will be furnished to it; and the country will be in a much better condition to extend to it efficient protection. I have merely suggested the topics of arguments on this important branch of our political economy: and will conclude by hoping that on some future occasion it will receive a suitable discussion.

When Mr. CALHOUN concluded, the Committee rose, and the House adjourned.

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SATURDAY, February 26.

Mr. EPPES, from the Committee of Ways and Means, reported a bill to amend the act, entitled "An act laying duties on sales at auction of merchandise and of ships and vessels;" which was read twice, and ordered to be engrossed and read the third time on Monday next.

Mr. FISK, of New York, from the Committee on Foreign Relations, reported the agreement of the committee to the amendments of the Senate, to the bill "to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong."

The amendments were then read and concurred in by the House.

An engrossed bill supplementary to an act, entitled "An act for the relief of Thomas Wilson," was read the third time and passed.

An engrossed bill for the better organization of the Courts of the United States, within the State of New York, was read the third time and passed.

Mr. LOWNDES, from the Committee on Naval

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Affairs, reported the bill from the Senate, "for the relief of John Cahoon and others," without amendment, and the bill was committed to a Committee of the whole House on Tuesday next.

A Message was received from the President of the United States recommending a suitable provision for such of the inhabitants, &c. of the Territory of Michigan as were left in a destitute and distressed condition during its temporary possession by the enemy; which was read and laid on the table.

The bill for the relief of Samuel Ellis passed through a Committee of the Whole, and was ordered to a third reading.

#### PUBLIC EXPENDITURES.

The House proceeded to consider the resolution submitted by Mr. EPPES on the 24th instant, for the appointment of an additional standing committee, to be called "A Committee for Public Expenditures."

Mr. EPPES explained his object in submitting his resolution; stating that the duties contemplated to be assigned to this committee would fully occupy it during the session, and was necessary to relieve the Committee of Ways and Means from much of the business at present referred to it, and which it was unable properly to consider, &c.

The resolution was then passed without opposition; and, on motion of Mr. EPPES, the Committee of Ways and Means was discharged from the consideration of such duties as are embraced by the resolution, and the same referred to the Committee for Public Expenditures.

#### THE LOAN BILL.

The House then went into Committee of the Whole on the Loan bill.

Mr. PICKERING, of Massachusetts, took the floor, and in a speech of three hours, took a general view of the conduct of the European belligerents, as it affected this country, and the course and policy of the American Government, during Republican Administrations, which he condemned throughout in strong terms.

Before Mr. PICKERING had concluded, he gave way for a motion to that effect, and the Committee rose; reported progress, and the House adjourned.

MONDAY, February 28.

Mr. JOHN REED presented a petition of sundry inhabitants of the town of Fishbury, on the Island of Martha's Vineyard, praying that the act laying an embargo may be so modified as to permit them to export fish, oil, salt, wool, and other domestic articles and manufactures, to the States of New York, and Connecticut, and to return with breadstuffs and other articles of family necessity.—Referred to the Committee on Foreign Relations.

Mr. INGERSOLL presented two petitions from John Thompson, one for the allowance of interest on his accounts already settled under a late act of Congress, the other for a pension in consideration

of disabilities contracted whilst an officer in the Revolutionary army.—Referred to the Committee on pensions and Revolutionary Claims.

Mr. NELSON presented a memorial of sundry inhabitants of the 19th Congressional District in the State of Virginia, remonstrating against the renewal of patent rights of any description, and complaining of the oppressive exercise, on the part of Oliver Evans, of his patent right to certain mill machinery.—Referred to the Committee of the whole House to whom is committed the report of the committee on the petition of sundry inhabitants of Baltimore, also complaining against the exercise of the said patent right.

Mr. GOURDIN presented a petition of sundry inhabitants of the State of South Carolina, praying the aid and patronage of Congress in opening an inland water communication from the Chesapeake bay to St. Mary's river, in Georgia.—Referred to the Committee of the Whole to whom is committed the bill to authorize the Secretary of the Treasury to subscribe for shares in the capital stock of the Chesapeake and Delaware Canal Company.

Mr. JENNINGS presented a petition of sundry inhabitants of the Indiana Territory, praying for pre-emption rights to lands on which they have settled and made improvements.—Referred to the Committee of the whole House on the bill to grant the right of pre-emption in the purchase, to certain settlers on public lands in the Indiana Territory.

Mr. ARCHER, from the Committee of Claims, reported a bill supplementary to an act, entitled "An act, for the relief of the officers and soldiers who served in the late campaign on the Wabash;" which was read twice and committed to a Committee of the Whole.

Mr. ARCHER reported a bill for the relief of Jervis Cutler; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. ARCHER also reported a bill for the relief of Edwin T. Satterwhite; which was read twice and ordered to be engrossed, and read the third time to-morrow.

Mr. ARCHER also reported a bill to provide for the payment of persons whose property shall be impressed into the service of the United States; which was read twice and committed to a Committee of the Whole to-morrow.

On motion of Mr. ARCHER, the Committee of Claims were discharged from the consideration of the resolution instructing them to inquire into the expediency of providing, by law, for the payment of individuals whose property was impressed by detachments of militia ordered into public service by any State or Territorial Government, and it was referred to the Committee for Revising the Militia System.

Mr. TAYLOR, from the Committee for Revising the Militia System, made a report on the resolution instructing them to inquire into the expediency of making provision for the payment of a detachment of militia of the State of Tennessee, ordered into service by the Governor of that State, to act against the Indians; which report was read,

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and the resolution therein contained was concurred in by the House, as follows:

*Resolved*, That no legislative provision is now necessary on the subject of the said resolution.

The SPEAKER laid before the House a letter from Jonathan Roberts, resigning his seat as one of the Representatives from Pennsylvania, having been appointed a Senator from that State. The said letter was read, and on motion of Mr. INGERSOLL,

*Resolved*, That the Speaker of this House address a letter to the Executive of the State of Pennsylvania, communicating information of the resignation of Jonathan Roberts, one of the members returned from that State to serve in this House, in order that measures may be taken to supply the vacancy occasioned thereby in the representation of that State.

*Ordered*, That Mr. PITKIN be appointed of the Committee of Ways and Means, in the place of Mr. ROBERTS.

An engrossed bill for the relief of Samuel Ellis was read the third time, and passed.

An engrossed bill to amend the act, entitled "An act laying duties on sales at auction of merchandise, and of ships and vessels," was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill "to provide for the indemnification of certain claimants of public lands in the Mississippi Territory;" also, a bill "for the better organizing, paying, and supplying the Army of the United States;" in which bills they ask the concurrence of this House.

### THE LOAN BILL.

The House again went into Committee of the Whole on the Loan bill.

Mr. PICKERING, of Massachusetts, resumed his speech against the bill, the commencement of which principally occupied Saturday's sitting. His speech to-day occupied three hours. The whole of which is here given entire, as follows:

Mr. Chairman: Yesterday a gentleman from Maryland, (Mr. WRIGHT,) in the course of his observations on the loan bill, mentioned but one thing which I think at all necessary to notice, and that not connected with the bill; it was the old story of Jonathan Robbins—and he expressed a wish that I would inform the Committee, whether the person so called was delivered up pursuant to orders from *me alone*, as the newspapers had often represented, or by the direction of the President of the United States.

This story, Mr. Chairman, has so often been gotten up for party purposes, I will, from my present recollection, give an account of it; although, like other "lies so oft o'erthrown," it may be again revived, and again rung through the United States, to serve the same unhallowed party views.

Being then Secretary of State, the application for the person called Jonathan Robbins, but whose real name was Thomas Nash, came to my hands. But that the case may be correctly understood, I will read that article in our treaty with Great Britain, (commonly called Mr. Jay's treaty,)

which contains a mutual stipulation for the delivery of persons charged with murder or forgery.

"Article 27. It is further agreed, that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective Ministers or officers authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other; provided that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed."

The President (Mr. Adams) having been consulted, and his express directions received, I wrote to Judge Bee, then the District Judge of the United States, for South Carolina, to this effect: That if the case of Thomas Nash came within the purview of the treaty; that is, if the evidence of his criminality was such as would authorize his apprehension and commitment for trial, in case the offence charged had been committed within our own territory; then he was to be delivered up to the British officer demanding him. This was done.

It will be in the recollection of gentlemen, that this man, Thomas Nash, with other ruffians of the crew of the British frigate *Hermione*, rose on their officers and murdered them, and carried the frigate into a Spanish port in the West Indies; Spain being then at war with Great Britain. Nash was discovered and arrested at Charleston, and the proceedings took place which I have stated. But Nash had assumed the name of Jonathan Robbins, and said he was an American citizen, born at Danbury, in Connecticut. This declaration of the ruffian, though entitled to no credit, was sufficient for the partisans of Opposition to raise a hue and cry against the Federal Administration, which they wished to pull down. I therefore wrote to the selectmen and town clerk of Danbury, (which was a small country village,) requesting them to make diligent inquiry, whether any person of the name of Jonathan Robbins had been born there within a period which I supposed would go beyond the age of Thomas Nash. They sent me certificates, that no person of the name of Jonathan Robbins had been born in Danbury, within forty or fifty years then last past. These certificates having been communicated to Congress, and published, put down the party clamor, and for awhile the slanderers were silent; but the ghost of Jonathan Robbins has since been repeatedly conjured up; particularly when at any time it was convenient to bring a railing accusation against me.

I fear, Mr. Chairman, that in discussing the subject before the Committee, I shall disappoint the expectations of my friends, without satisfying myself. For, though I have been long in public life, I have been but little used to public speaking. The memory, the arrangement, and the comprehensive view of a subject, which are necessary to a public speaker, in me are deficient.



I shall endeavor, however, to lay before the Committee facts which I deem important, with such just inferences as shall occur to me; relying on the discernment of gentlemen to supply the rest.

A gentleman from South Carolina (Mr. CALHOUN) has told you that the object of the minority was, to destroy the faith of the Government by preventing the loan. I am indeed opposed to the loan; but I distinguish between the faith of the Administration, and the faith of my country. The credit of the country is good, and under a proper Administration, acting in a cause in which the great interests and welfare of the country were at stake, the loan would be effected. My aim is, to put an end to this unjust and ruinous war; and therefore I will oppose all supplies for carrying it on. It is the duty of Congress to withhold supplies, pursuant to a power vested in them by the Constitution, when necessary to prevent any Administration from persevering in measures injuriously affecting the public welfare.

The same gentleman told us, that it was a maxim among the Romans, "that their country was never to be presumed to be in the wrong." Had not the Roman people been influenced by this maxim; on the contrary, had they questioned the rectitude of the measures of their Government, and reasoned on the causes and pretences for their perpetual wars, the ancient world might not have been deluged with blood; while nations sunk beneath the arms directed by the ambitious leaders of that Republic, as the continental nations of modern Europe have fallen before the arms of France; which, both in her Republican and Imperial state, appears to have taken Rome for her model. Any Government may err, either ignorantly or corruptly, and in either case, its measures tending to public mischief ought to be opposed.

The same gentleman, advertent to the alleged causes of the war, the British Orders in Council and Impressments, said he would first consider impressments, "because a man is preferable to a bale of goods." Yet property is the ground of almost all the quarrels among mankind, as well between nations as individuals. It was *property*, affected by the Orders in Council, which was professed to be the principal cause of this war. *Property* was, in fact, the primary cause of the contest with our mother country, which terminated in the war of our Revolution. Great Britain imposed small duties on a few articles of our imports from her, and claimed a right to impose others by an act of Parliament; and thus to take from us our *property* without our consent. I will therefore first inquire into the character of the British Orders in Council.

By our treaty with France, in 1800, concluded with Bonaparte himself, then First Consul, in the 12th article, it was agreed as follows:

"It shall be lawful for the citizens of either country to sail with their ships and merchandise (contraband goods always excepted) from any port whatever, to any port of the enemy of the other, and to sail and trade with their ships and merchandise, with perfect security and liberty, from the countries, ports, and places

of those who are enemies of both or of either party, without any opposition or disturbance whatever; and to pass not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be, or be not under the same jurisdiction, unless such ports or places shall be actually blockaded, besieged, or invested."

In flagrant violation of this article, Bonaparte, having overturned the Prussian monarchy, and seated himself in its capital, Berlin, there, on the 21st of November, 1806, issued a decree (thence called the Berlin decree) in the preamble of which he sets forth its pretended causes, the falseness or futility of which I shall show as I proceed.

"1. That England does not admit the right of nations, as universally acknowledged by all civilized people."

This general, sweeping and false declaration appears to be the text to be exemplified in the articles which follow.

"2. That she declares as an enemy every individual belonging to an enemy State, and, in consequence, makes prisoners of war, not only of the crews of *armed* vessels, but also of *merchant* vessels, and even the supercargoes of the same."

This charge against England might, with equal justness, be made against the United States, and all other nations; for all, including France herself, have always considered the crews of *merchant* vessels as well as of *armed* vessels, to be prisoners of war, and confined them accordingly.

"3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquest, which can only be applied or extended to what belongs to an enemy State."

In this England does no more than the United States did in the war of our Revolution, and do in the present war, and what all maritime nations have ever done; that is, capture enemy's merchant vessels and merchandise found on the high seas; and to capture them, is the object and hope of all our privateering.

"4. That she extends to ports not fortified, to harbors and mouths of rivers, the *right of blockade*, which, according to reason and the usage of civilized nations, is applicable only to strong or fortified ports."

This article, like the others, stating first a justifiable fact, is false in its conclusion. The right to blockade ports, harbors, and mouths of rivers, though not fortified, is not disputed by our own Government; whose only complaint has been, that such places have not, in all cases proclaimed to be under blockade, been blockaded in fact, by a sufficient naval force stationed before or near them, so as to render the entrance of our neutral vessels dangerous.

"5. That she declares blockaded, places before which she has not a single vessel of war; although a place ought not to be considered blockaded, but when it is so invested, as that no approach to it can be made without imminent hazard; that she declares even places blockaded which her united forces would be in-

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capable of doing, such as entire coasts, and a whole empire."

By a document communicated by President Jefferson to Congress, in December, 1808, as one of the acts of the British Government imposing an illegal blockade in the West Indies, it appears plainly that the British Admiral exceeded his authority; the orders from his Government being, "that the strictest naval blockade be established over the Leeward French Islands," evidently meaning, by stationing a sufficient naval force before the ports so declared to be blockaded; for the British Government never claimed any other right of blockade.

As to the Emperor's charge, that Great Britain had declared "entire coasts and a whole empire" to be blockaded, it is one of those unfounded assertions which he can utter with great facility, particularly when Great Britain is the subject of reproach. The declaration of the most extensive blockade of a coast by the British Government, that I have any knowledge of, was that from the Elbe to Brest; which I shall take an opportunity to explain. (1)

On such false and fallacious grounds the French Emperor issued his Berlin decree; of which the following are the articles most pointedly violating our neutral rights, and his treaty with the United States, as well as the rights of Great Britain under the law of nations.

"Art. 1. The British islands are declared to be in a state of blockade."

This, in its terms, subjected to capture, by the French cruisers, all neutral vessels entering or attempting to enter any British ports; and nothing but the absolute inability of the Emperor to execute this part of his decree, prevented its being carried into effect.

"Art. 4. All magazines, merchandise, or property whatsoever, belonging to a subject of England, shall be declared lawful prize."

The object of this article was, to authorize his Ministers and officers to seize on all property of British subjects, wherever found, especially in neutral territories, where, by the law of nations, it should have been secure, and sacred as neutral property itself; but no rights have been regarded, where the power of the French Emperor could extend.

"Art. 5. The trade in English merchandise is forbidden. All merchandise belonging to England, or coming from its manufactories and colonies, is declared lawful prize."

By this article, the manufactures of England, and the productions of her colonies, although the property of citizens of the United States, or of other neutrals, became liable to capture and condemnation. If its immediate execution against American vessels, in the European seas, did not take place, it was owing to causes not explained; and not to the Emperor's intention to dispense with it; as he subsequently declared that he had made no exception in favor of the United States.

(1) See notes at the end of Mr. P.'s speech.

It was in fact executed against our vessels by some French privateers in the West Indies, as was stated by Mr. Madison himself. (2)

But the great object of the Berlin decree was, to blockade the ports of the continent of Europe against the entrance of British vessels, and of the vessels of every nation laden with the manufactures or productions of Great Britain or of her colonies and dominions; in order to ruin her commerce, and thereby destroy her power, which so eminently depended on the wealth and revenues arising from commerce. And on the Continent, the decree was carried into immediate execution; at Hamburg within four days from its date; although that city formed an independent neutral State, entitled to entire exemption from military coercion and violence. The French Minister there caused all English merchandises, "no matter to whom they belong," to be seized and confiscated. The same course was directed to be pursued in all other places, enemy or neutral, occupied, or which should be occupied by French troops.

On the last day of the next month, December, 1806, the treaty negotiated with the British Government, by Mr. Monroe and Mr. Pickney, was signed. But, before the signing, the British Commissioners mentioned to our Ministers this outrageous decree of Berlin, which threatened to subvert the rights and independence of neutral Powers; and for the information of their Government, delivered to them a note declaring, that "if the enemy (France) should carry those threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his Majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those nations shall have permitted to be enforced against their commerce with his subjects."

In the mean time, to check and counteract the violence of France, in actual execution, on the Continent, against British commerce, and against all trade in the manufactures and productions of the British dominions, the British Government issued their Order in Council of the 7th of January, 1807, prohibiting, not all commerce with France, as she, by the Berlin decree, had forbidden all commerce with England—but ordering "that no vessel shall be permitted to trade from one port to another, both which ports shall belong to, or be in possession of France or her allies, or shall be so far under their control, as that British vessels may not freely trade thereat." This Mr. Jefferson called "a new law of the ocean;" although similar to, but less rigorous than an old and established law of France, which prohibited neutral vessels laden, in whole or in part, at one port of an enemy, to go to the ports of any other country than their own, whether allied to France, neutral or enemy. (3) The great object of the British order was, apparently, to prevent neutral vessels carrying on the coasting trade of France, and the intercourse by sea be-

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tween her and her allies; for the naval power of Great Britain having either captured, or driven from the ocean, the trading vessels of her enemies, they were constrained to resort to neutral vessels to carry on their commerce with one another, and in a greater or less degree, their coasting trade.

This very candid and friendly notice of the course Great Britain might be obliged to pursue, if neutral nations submitted to the Berlin decree, was represented by President Jefferson as cause of offence to the United States, and that no treaty, accompanied with the terms of that note, would be admissible. I know it will be said, that our Government did not submit, but demanded an explanation of the Berlin decree. It is true, that an explanation was asked of the French Minister of Marine, Decres, and that he, contrary to the spirit and letter of the decree, said it was not intended to infringe upon the treaty then subsisting between the United States and France; but added, that he was not competent to decide, and that application must be made to the Minister of Foreign Affairs, Talleyrand, then with the Emperor at Berlin. Whether such an application was ever made, or answered if made, has not been publicly known.

The obviously proper course to have been taken by our Government was, to have demanded, not an explanation of a decree, which was too plain to require one, but its revocation; and upon the refusal to revoke, to interdict all commercial intercourse with France and her allies, and to have armed our ships, if necessary, for the protection of our commerce; which, owing to the small number of French cruisers, would then have sustained but little injury. (4) Instead of taking this safe and honorable course, our Government contented themselves with the absurd explanation of the Minister Decres, until the Emperor himself declared it erroneous and unfounded, and that no exception was intended in favor of the United States.

Such was the state of things when Great Britain, having waited almost a year, seeing the Berlin decree operating most injuriously to her commerce with the European continent, all its ports (those of Sweden excepted) being shut against her; Russia, pressed by the French arms in 1807, having also adopted the French Emperor's Continental system, pursuant to the treaty of Tilsit; in this state of things, the British Government issued their Orders in Council, of November 11th, 1807. These orders have been pronounced to be contrary to the law of nations, and unjustifiable; and this opinion, proceeding from men in power, and other citizens of distinction, became, probably, the current opinion in the United States. But for my own part, from the moment that I read those orders, I considered them as justifiable on the ground of retaliation, and on the principles of public law. Of the correctness of my own opinion, however, I should have entertained some doubts, had it not been confirmed by the opinions of gentlemen, among my friends, who were as conversant with public law, and thought as profoundly, as any citizens of the United States.

Among these was one of the first of men\*—perhaps the brightest luminary that ever shone on this Western hemisphere.

The French Emperor, by his Berlin decree, and his orders for carrying it into complete and rigorous execution, had subverted the public law of Europe; and by his arms and influence, had brought all the nations (Sweden excepted) to bear against England alone; all thus conspiring for her destruction. What should she do against a world in arms? What would the sense of such impending danger, and the duty of self-preservation, suggest to any nation? (5) Certainly to retort upon those combined enemies and conspirators, the evils of their own injustice and violence; and, as they had taken new and extraordinary measures to deprive her of commerce, that she should retaliate and interdict all commerce with them. This she did by her Orders in Council, and in my view, on the principles of reason and public law. (6) In every new case, to which existing laws do not extend, reason is to be consulted—"reason, whose authority (says Bynkershoek) is of so much weight in the law of nations"—"reason, which is the soul of the law of nations." The municipal laws of a single State, when circumstances are changed, undergo corresponding changes; and when new cases arise, new laws are framed to provide for them. And such a new state of things had been introduced into the civilized world, by the ambition, injustice, and tyranny of the French Emperor; justifying and requiring, on the part of the nations not yet subjugated, new and extraordinary measures to provide for their safety and independence. On these grounds, the British Orders in Council have appeared to me perfectly justifiable; and, consequently, that they never furnished any cause or pretence for the present war; a war on our part, as unnatural and cruel as it was unjust. But, instead of resenting and resisting, as we ought to have done, the Berlin decree, our Government commenced a system of restrictive measures; in form levelled equally against France and Great Britain, but really intended to injure Britain only, while they aided the cause of France. This brings me to the consideration of a subject, old and stale, indeed, but of essential importance to be well understood; and which therefore I will re-examine—I mean the Embargo of December, 1807, the fruitful and immediate source of all the evils which have since afflicted our country; producing non-intercourse and non-importation, and terminating, as to the United States, in the greatest of all evils—war.

It will be recollected, that, just before this embargo was laid, the United States vessel *Revenge* arrived from France, with despatches from our Minister, General Armstrong. They arrived at Washington on the 14th of December, 1807. By the *Revenge*, news was brought that the French Emperor had said there should be no neutrals. This, indeed, was not long after gravely denied; but at length it came out in General Armstrong's

\* The late Chief Justice Parsons, of Massachusetts.

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own despatches, that the Emperor had said, the United States shall take the positive character of allies or enemies. But the people of the United States were not then prepared for a war against Great Britain. A gradual training for some years was requisite to bring them to that point. Nor were they prepared to adopt, knowingly, Bonaparte's Continental system; it could be introduced only under the disguise of an embargo; a name universally understood to mean a very temporary suspension of the sailing of vessels for some special occasional purpose.

Four days only after the arrival of the despatches from France, President Jefferson sent to Congress the following Message:

*To the Senate and House of  
Representatives of the United States:*

The communications now made, showing the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas, and elsewhere, from the belligerent Powers of Europe; and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantage which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

I ask a return of the letters of Messrs. Armstrong and Champagny, which it would be improper to make public.

TH. JEFFERSON.

DECEMBER 18, 1807.

The communications consisted of four papers. The first a proclamation by the King of Great Britain, dated the 16th of October, 1807, "for recalling and prohibiting British seamen from serving foreign Princes and States." This proclamation had been published in our newspapers. It was a newspaper copy Mr. Jefferson communicated to Congress. Far from having excited any alarm, it naturally lessened the public apprehensions on the subject of impressments; because, although it commanded British naval officers to seize and take, as usual, British natural born subjects from on board foreign merchant vessels, they were strictly enjoined "to permit no man to go on board such ships and vessels belonging to States at amity with Great Britain, for the purposes of so seizing upon, taking, and bringing away such persons aforesaid, for whose discreet and orderly demeanor the said captains could not answer; and that they should take especial care that no unnecessary violence be done or offered to the vessel, or to the remainder of the crew, from out of which such persons should be taken."

The second paper was a letter (bearing date September 18, 1807,) from the French Grand Judge, Regnier, to the Imperial Procureur (or Attorney) General of the Emperor's Council of Prizes, containing the Emperor's declaration concerning his Berlin decree. To the question, "1. Can armed vessels, under that decree, seize,

'in neutral vessels, either English property, or merchandise proceeding from the manufactures of the English territories? His Majesty notifies me, that since he had not thought proper to express any exception in his decree, there is no ground to make any in the execution, with respect to anything whatsoever." "2. His Majesty has not decided the question, whether French armed vessels may possess themselves of neutral vessels going to or from England, although they have no English merchandise on board." Why this decision was delayed, does not appear. Probably, it was for the purpose of watching for some favorable conjuncture, when the few French cruisers that could venture to sea might make a more extensive sweep of neutral vessels, thrown off their guard by a temporary forbearance.

Of these two papers no secret was made; and for a plain reason—that both had been published in the newspapers: the British proclamation at full length, and the essential part of the letter of the French Grand Judge.

The third paper was General Armstrong's letter to the French Minister, Champagny, simply asking whether the Emperor, by his Berlin decree, intended to violate his treaty with the United States. And the fourth paper was Champagny's answer, announcing, with the usual assurance of a French Minister, that it was easy to reconcile the measures adopted under the Berlin decree with the observance of treaties. I will read these two letters.

*General Armstrong's letter to M. Champagny.*

PARIS, September 24, 1807.

Sir: I have this moment learned that a new and extended construction, highly injurious to the commerce of the United States, was about to be given to the Imperial decree of the 21st of November last. It is, therefore, incumbent on me to ask your Excellency an explanation of his Majesty's views in relation to this subject, and particularly whether it be his Majesty's intention, in any degree, to infract the obligations of the treaty subsisting between the United States and the French Empire?

I pray your Excellency, &c.

JOHN ARMSTRONG.

*The answer of M. Champagny to General Armstrong, dated October 7, 1807.*

Sir: You did me the honor, on the 24th of September, to request me to send you some explanations as to the execution of the decree of blockade of the British islands, as to vessels of the United States.

The provisions of all the regulations and treaties relative to a state of blockade have appeared applicable to the existing circumstance; and it results, from the explanations which have been addressed to me by the Imperial Procureur General of the Council of Prizes, that His Majesty has considered every neutral vessel going from English ports, with cargoes of English merchandise, or of English origin, as lawfully seizable by French armed vessels.

The decree of blockade has been now issued eleven months. The principal Powers of Europe, far from protesting against its provisions, have adopted them. They have perceived that its execution must be com-

plete, to render it more effectual; and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the infractions, by England, of the rights of all maritime Powers, render their interest common, and tend to unite them in the support of the same cause. Accept, &c.

#### CHAMPAGNY.

Here we see that Armstrong's and Champagny's letters exhibit no new source of danger to our seamen, ships, and merchandise; but, on the contrary, refer directly to the Emperor's decision in Regnier's letter, already published in substance, and not attempted by Mr. Jefferson to be concealed. Why, then, did he say that Armstrong's and Champagny's letters ought not to be made public, and, with over-abundant caution, desire the return of them to himself? The answer is easy. Had the letters been published, the bold imposture would have been detected. Although the majorities in the two Houses of Congress, reposing a blind confidence in Mr. Jefferson, did not discern the imposition, citizens abroad would, at the first glance, have discovered and denounced the cheat; and the nation, shocked at the contemplated mischief, would not have acquiesced in the measure. But a mystery was thrown over the transaction, by the solemn withdrawing of those two harmless letters; which, it was natural for the people to suppose, contained the evidences of the mighty dangers against which the entire shutting up of our ports was a necessary precaution. The project succeeded; and the people, for near fifteen months, endured all the evils and losses of a suspended commerce and navigation, which had given employment and subsistence to some hundreds of thousands of citizens on the seaboard, and general prosperity to the country. But what ought to be the surprise of gentlemen, after all this mysterious secrecy about the two letters of Armstrong and Champagny, to be informed that, precisely three months after passing the Embargo law, to wit, on the 22d of March, 1808, Mr. Jefferson, of his own accord, laid these same letters openly before Congress? But how? Mingled with a mass of other documents, making now a printed volume of upwards of five hundred pages! And strangers would not suspect, nor members of Congress know, (unless they had good memories,) that the two letters had any relation to the embargo.

I have called the two letters harmless; and so they were, as to any indications of increased danger to our seamen, ships, and merchandise; but in Champagny's, may be seen the latent cause of the embargo. I have before remarked, that the essence and main operation of the Berlin decree, declaring the British islands in a state of blockade, was the shutting up of the ports of the European continent (thence called the continental system) against all British ships, and against all the manufactures and productions of the British dominions, in neutral ships, for the purpose of reducing and destroying the commerce of Great Britain, and with that her naval power. And the French Minister tells General Armstrong, that the principal Powers of Europe, far from protesting against

the provisions of the Berlin decree of blockade, had adopted them; and that they had perceived "that its execution must be complete, to render it more effectual." And what was wanting to render it complete? Nothing but to shut up, in like manner, all the ports of the United States, between which and the British dominions commercial intercourse was of vast extent, and alike advantageous to both countries. And this adoption and completion of the French Emperor's continental system was effected under the deceitful name of embargo.

I pray gentlemen to remember, that this embargo was recommended solely and absolutely on the great and increasing dangers to our seamen, ships, and merchandise, pretended to be manifested in the four papers communicated with Mr. Jefferson's Message. Now, I will show, from his own documents, that both he and Mr. Madison (then Secretary of State) knew, and soon after acknowledged, that no such dangers existed.

Mr. Madison, in his letter of March 25, 1808, (only three months subsequent to the Embargo law,) to the British Minister here, Mr. Erskine, referring to the Berlin decree, represents it as a mere declaration of the French Emperor, either without the intention or without the means to carry it into effect against the United States; and therefore not authorizing the retaliatory measure of the British Orders in Council.

But still earlier, on the 8th of February, 1808, only seven weeks after the embargo was imposed, Mr. Madison, writing to General Armstrong, and pronouncing the Berlin decree, as construed and enforced by the Emperor, to be as well a violation of our treaty with France, as of the incontestable principles of public law, declares—"The conduct of the French Government, in giving this extended operation to its decree, and, indeed, in issuing one with such an apparent or doubtful import against the rights of the sea, is the more extraordinary, inasmuch as the inability to enforce it on that element exhibited the measure in the light of an empty menace."

And now, sir, who can think with patience on the extensive mischiefs brought on the people of the United States by this embargo, when the Berlin decree, in which the alleged increased danger lay, was known, and so soon after was acknowledged, to be an empty menace, though solemnly declared by Mr. Jefferson "to show great and increasing dangers to our vessels, seamen, and merchandise?"

I am aware, Mr. Chairman, that it may be, as it has been said, that the British Orders in Council were a principal cause of the embargo; but, sir, well known facts and the public documents demonstrate the assertion to be unfounded. The President, as I have said, rested his recommendation of an embargo solely on the papers he communicated; and in the Senate, (of which I was then a member,) while the Embargo bill was before it, not one word was said of British Orders in Council. Further, Mr. Madison in his letter, dated December 23, 1807, (the day after the Embargo law was passed,) to Mr. Pinkney, (our Min-

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ister in London,) says: "I avail myself of the opportunity to enclose you a copy of a Message from the President to Congress, and their act in pursuance of it, laying an immediate embargo on our vessels and exports. The policy and the causes of the measure are explained in the Message itself." It is true, that about two months afterwards, when the British Orders in Council had become known, Mr. Madison made some change in his language. It was then convenient to do so. In his letter of February 19, 1808, to Mr. Pinkney, he says: "My last, which was committed to the British packet, enclosed a copy of the act of Embargo, and explained the policy of the measure;" artfully omitting "causes," and adding, "among the considerations which enforced it, was the probability of such decrees as were issued by the British Government on the 11th of November; the language of the British gazettes, with other indications, having left little doubt that such were meditated." But, sir, this was an afterthought, eagerly laid hold on by the advocates of the Administration to appease the growing discontents of the people, suffering under a total interdict of their commerce, without any known cause. To put this miserable pretence at rest, I will recur, in confirmation of the evidence I have already given, to the report of the Committee of Foreign Relations, made to the House of Representatives on the 22d of November, 1808, of which Mr. George W. Campbell (now Secretary of the Treasury) was the chairman. In that report the committee, endeavoring to repel the charge of acquiescence in the unlawful aggressions of either France or England, say: "The Milan decree of December, 1807, can still less rest for its defence on the supposed acquiescence of the United States in the British orders of the preceding month, since those orders, which have not certainly been acquiesced in, were not even known in America at the date of the decree." Now, the decree of Milan was issued in Italy by the French Emperor, on the 17th of December, 1807; and it was on the morning of the next day, in this city, that Mr. Jefferson recommended to Congress the laying of the embargo. It was grounded, as I have shown, solely on the papers communicated with this Message; three of which, and the only ones which presented even the semblance of danger, had recently arrived from France. I may mention another fact corroborating the evidence that the embargo was laid in concert with the French Government, or in conformity with its views. Letters were received in America, from merchants in Holland, stating that General Armstrong had said that a general embargo would take place in the United States immediately on the arrival of the Revenge. And the fact was, (as I have before stated,) that in four days after the despatches by the Revenge had reached Washington, the embargo was recommended. Still further, we know that the French Emperor "applauded the embargo,"\* and

that he issued his Bayonne decree April 17, 1808, directing all American vessels which should thereafter come into any of the ports of France to be seized; because no vessel of the United States could then navigate the seas without violating the Embargo law. And thus while he, so well pleased with the embargo, as it came in aid of, and rendered complete, his continental system, issued a decree to assist in carrying it into perfect execution, our Administration,\* directing General Armstrong to "remonstrate against the injustice and illegality of the French decree" (that of Berlin, for the Milan decree had not then reached America) suggested, that the embargo would be continued until the Berlin decree should be repealed! This farce might amuse, but for the serious and extensive mischiefs which flowed from it.

But it has been said that, prior to the embargo, there were rumors and newspaper reports of orders contemplated by the British Government, like those issued in November, 1807. And did ever an intelligent legislator think of taking rumors and newspaper reports for the foundation of a law; especially of a law which shut up the ports and interdicted the commerce of the whole nation—a commerce the second only in the world for its extent? The pretence is as shameful as it is ridiculous.

One more remark: The embargo law was unlimited in the terms of its duration, and doubtless was intended, by its projector, to be commensurate in length of time with the French Emperor's continental system; that is, with the continuance of the European war; by the termination of which, had the people suffered the embargo to remain, we should have had neither seamen, ships, nor merchandise. And this, probably, was the wished for consummation; for, in Mr. Jefferson's Notes on Virginia, after a plausible flourish on commerce, and a navy for its protection, he says: "Perhaps, to remove as much as possible the occasions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we shall be principally exposed to jostle with other nations; to leave to others to bring what we shall want, and to carry what we can spare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth." "It might be time enough to seek employment for them at sea when the land no longer offers it."

I have gone back to the embargo, because, though it was not the first attempt to interrupt a friendly and useful intercourse with Great Britain; yet it was the first great measure levelled against her, and against our own commerce and prosperity. It was the first great link in that chain of ruinous measures with which we have been bound for the last six years, and the fruitful source of all the evils with which we have been afflicted; it produced non-intercourse, non-im-

\* Letter of August 5, 1810, from the French Minister, the Duke of Cadore, to General Armstrong.

\* Mr. Madison's letter to General Armstrong, dated February 8, 1808.



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portation, and war. For the embargo having been imposed (as I have demonstrated) in concert with, or in subserviency to France, could not be abandoned without some substitute. And this was the non-intercourse law. The people being unwilling to submit any longer to the continental system, which, having for fourteen months shut up all our ports, was driving them to beggary and ruin. The ports, therefore, were opened, and our vessels permitted to depart, and carry with them our productions and merchandise to all countries, except those of France and Great Britain, and their dependencies. The effect of this absurd measure (originating partly in the pride of the Administration, who had relied so much on the efficacy of their restrictive energies) was seriously injurious to ourselves, by compelling our merchants to send their cargoes to other countries than those where they were chiefly to be consumed.

This absurd non-intercourse law, though perfectly acquiesced in by Great Britain, was used by the French Emperor (whom in construction and practice it was really intended to favor) as a pretence for the decree of Rambouillet, under which American property, to the amount of some millions of dollars, was seized in the ports of France and her dependencies, and confiscated; while all American property in English ports remained perfectly secure: for the non-intercourse law itself expired at the end of the succeeding session of Congress, which was the 28th of June, 1809; after which American vessels resorted freely to English ports, some to French ports, and many to the ports of the dependencies of France, which gave the opportunity to the French Emperor to make the extensive seizures I have mentioned. The like difference of conduct was exhibited on the ocean. By British armed ships our merchant vessels (not destined to French ports) were convoyed and guarded; while, by the French cruisers, they were burnt, or captured, and carried in and condemned. (7)

The non-intercourse law being about to expire, another law was introduced and enacted, giving power to the President to revive the most material sections of the non-intercourse law; one being that of non-importation, against either of the two great belligerents who should not revoke his decrees or orders when revoked by the other. And this power was exercised against England upon the pretended repeal of the French decrees; although, as soon as was practicable after their actual repeal, the British Government revoked their Orders in Council—those orders which were made a chief cause for declaring war; and the revocation of which, had the knowledge arrived in time, would, as the honorable Speaker has admitted, have prevented the declaration. But their revocation was expected by our Administration; and therefore it was, unquestionably, that the declaration of war was hastened—was precipitated—lest the news of the revocation should arrive and prevent it. The evidence that the revocation was so expected, appears in a letter from Mr. Russell to the Secretary of State, bearing

date the 17th of September, 1812, purporting to recite a conversation between him and Lord Castlereagh, in which Mr. Russell says: "As to the supposed ignorance in America of the revocation of the Orders in Council, at the time my instructions were dated, I observed, that if this ignorance did in fact exist, yet, from certain expressions in those instructions, an expectation of such a measure seems to have been confidently entertained, and the Orders in Council appeared no longer to form an obstacle to a reconciliation." Now, the first instructions here referred to, are dated only eight days after the war was declared! And yet neither the want of troops, nor the want of money to support them, nor any other considerations, could prevail on the Government to postpone the declaration, even for a very short period, though strenuously urged, particularly by Mr. Bayard, in the Senate.

That this war was declared (as the unlimited embargo had been enacted) in concert and co-operation with France, a long train of proceedings, gradually preparing the public mind for that result, leave little room to doubt. The time, too, which was chosen for the declaration confirms the opinion of such concert and co-operation; for it coincided with the movements of the French army for the invasion of Russia: and this new war would naturally divert a part of the naval and military forces of Great Britain from a prosecution of the war against Bonaparte in Europe, to the protection of her own territories in America. But there is direct evidence that the Minister of the United States in Paris (Mr. Barlow) knew that war would take place between the United States and Great Britain, long before the news of it could have travelled from America to France.

Congress declared war against Great Britain on the 18th of June, 1812. In that Summer, Captain John White, of Salem, master of a ship then in one of the French ports, was in Paris, and there Mr. Barlow told him that this war would take place. The information is stated in a letter which I hold in my hand, from a gentleman of reputation, who took it from the mouths of his father and his father's partner in trade, (gentlemen whom I have known these forty years, and who are entitled to full credit,) who derived their information from Henry White, a brother of Captain John White. Those two merchants meeting Henry White, (they think a little after the war took place,) stopped to talk with him: "Among other questions they asked him, if he did not expect his brother from France soon? No, says Mr. White, and immediately of his own accord, mentioned his reason; which was, that they (the owners of the ship commanded by John White, of whom Henry White was one) had just received a letter from his brother John, informing them that he had been assured by Mr. Barlow, that there would be war between the United States and England immediately, and this would probably detain him (Captain White) in France, till he could proceed with more safety than at that season of the year. He requested them in his letter to endeavor to get him ex-

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'changed as soon as possible, in case he should 'be taken.'

I shall now, Mr. Chairman, consider the question of *Impressments*.

The gentleman from South Carolina, (Mr. CALHOUN,) with his usual courtesy of language, said, that, "to the shame of gentlemen in the Opposition, they tried to diminish the number of impressed seamen; that gentlemen most nearly concerned in the protection of seamen were opposed to the measures of Government intended for their relief, and felt less sympathy for our seafaring citizens than those who had no immediate connexion with them." These are very extraordinary charges, and the supposition is so unnatural, that those whose fathers, sons, and brothers are exposed to impressments, should feel less sympathy for them than was felt by gentlemen from the interior, and who never saw a sailor or ship till they came to this city, that the gentleman ought to have paused before he brought this accusation against us—he ought to have doubted its correctness. We do feel for our seafaring brethren as we ought, but have no purpose to answer by gross exaggerations of the numbers impressed; we wish to come at the truth of facts. That there should exist such superior and extreme sensibility for impressed seamen, among those who have no immediate connexion with them, is, in the nature of things, incredible; we are authorized to doubt the sincerity of such professions, and the gentleman (Mr. CALHOUN) who allows himself to call the members on this side of the House a "factious opposition," must excuse me if I say that I do not believe those professions to be sincere.

The gentleman from South Carolina (Mr. CALHOUN) said, that "if the facts and nature of the case were not disguised, there would be but 'one mind among the people.'" Here I am happy to agree with the gentleman. The subject has indeed been disguised, but not by us. I will strip it of its disguise, by which the people have been deceived, and endeavor to present it in the simple garb of truth.

British impressments of American seamen have constituted a subject of discussion between the two Governments for more than twenty years—yet no practical remedy, satisfactory to both, has yet been discovered. This proves that the question involves great intrinsic difficulties. But these proceed from the novelty of our condition—a part broken off from a nation speaking the same language—the division and separation of children of the same family, and not from the general nature of impressment, when one nation takes its own seamen from the merchant vessels of neutrals speaking different languages. The right of every maritime nation thus to take away its own subjects, must rest on the principle of allegiance, which all men owe to the country in which they were born. The practice of the two great maritime nations of Europe, England and France, I will now exhibit to the Committee from the pamphlet I hold in my hand, entitled "Perpetual War, the policy of Mr. Madison." This

pamphlet was written by a gentleman whom I well know; a gentleman distinguished for his learning and abilities, for his knowledge of the common law and of the law of nations, and not less distinguished for his integrity and patriotism. Sir, I think myself honored when I call this gentleman my friend. On the diligence of research and accuracy of quotation by such a man we may confidently rely.

On the practice of Great Britain he says—"The first instruction I have met with, was one issued by the Earl of Northumberland, Lord High Admiral of England, to Sir John Pennington, dated April 4, 1640:"

"As you meet with any men of war, merchants, or other ships or vessels, belonging to any foreign Prince or State, either at sea or in any road where you or any of His Majesty's fleet may happen to come, you are to send to see whether there be any of His Majesty's subjects on board; and if any seamen, gunners, pilots, or mariners (whether English, Scotch, or Irish) be found on board, you are to cause such of His Majesty's subjects to be taken forth, and so disposed of as they be forthcoming to answer their contempt of His Majesty's proclamation in that kind."

The writer here remarks, that "by the proclamation here spoken of, is intended the usual proclamation issued by all Sovereigns, in the present war—by France, Denmark, Spain, and England—ordering home all their seamen from the service of foreign States, neutral as well as belligerent." He continues—

"The above cited instruction was repeatedly carried into effect, and the particular cases are cited by writers on this subject. In a very famous case in the year 1687, four Scotchmen and a boy were taken out of a Dutch ship of war; and complaint having been made by the Dutch Government, it was referred to the Judge of Admiralty, Sir Richard Raines. The memorial complained that this practice might be inconvenient to foreign ships in stress of weather, and would hinder merchant ships in their voyages, &c. To which Sir Richard Raines replied, 'As if His Majesty must be deprived of the use of his own subjects for his own expeditions, that foreigners might use them for theirs.'"

The pamphlet goes on—

"We find that the same claims, the same objections, and the same rational and just answers, were made in the reign of James II., as at the present day. In the reign, however, of Charles II., great complaints having been made of the search of foreign ships of war, the instructions were modified so as only to include merchant vessels; and the instructions and practice have continued the same from that period to the present."

It appears that these instructions have been executed, both against the Dutch and French, and have been issued to every officer, in every war, for nearly two hundred years; and the writers who speak of the right in the reign of Charles II. call it an ancient and acknowledged right.

*The practice of Impressment by France.*—The writer of the pamphlet says—

"The authority I shall cite will be Mons. Le Beau, now superintendent in Paris of the details of the laws relative to the marine and the colonies. I have, however, in every case, taken, not the inferences of Mr. Le Beau, but the laws and ordinances themselves."

"By the laws of France, ever since the reign of Louis XIV., all French seamen are classed; and there are regular officers appointed to enrol and license them. Without such an enrolment no man can exercise even the boat or fishing navigation."

"By an edict of February, 1650, all masters of vessels, being French subjects, are forbidden, whether they are domiciliated in France or not, that is, whether they have acquired another domicile or home in a foreign country or not, to take commissions from, or use any other flag than that of France, under the penalty of being treated as pirates."

"By an edict of August, 1676, the pain of death, which had been before inflicted on all the subjects of France found in the service of foreign States or Princes, was changed for that of service in the galleys for life."

"By an edict of October, 1784, it is provided, that any classed seamen who shall, in time of peace, be found serving in any foreign ships, shall be sentenced to fifteen days confinement, and reduced to the lowest wages, and shall serve two years extraordinary at the lowest rate; but those who in time of war shall be arrested in foreign ships, or passing into foreign countries, shall be sentenced to three years service in the galleys."

The writer of the pamphlet, after showing that France, like England, maintains, in respect to her native subjects, the doctrine of perpetual allegiance, concludes with stating one out of many cases in which France has carried these principles into effect on the seas:

"In the year 1806 Admiral Willaumez, in a French ship called the *Foudroyant*, met with an American brig, and forcibly took out four French seamen, who had entered in this country. Not content with impressing them, he wrote as follows to General Turreau, Ambassador of France:

"My Lord—I have just apprehended four seamen, deserters from the *Valeureuse* frigate, whom I found on board an American brig, where they had engaged at seventeen dollars a month. Now, sir, if you can succeed in making the American Government pay down a compensation for thus seducing our seamen, you will punish it in a manner it feels most, its avarice, as those people have been for three years seducing our best men from us."

Having, Mr. Chairman, exhibited the evidences of the long established practice of impressment by the two great nations with whom our relations are the most interesting, and mentioned the general principle on which that practice is founded, I will consider its application to the United States in relation to Great Britain.

That the right of any Sovereign in Europe, to take his natural born subjects found on board neutral merchant vessels, should not there have been questioned, is to be accounted for from the simple fact, that the doctrine of allegiance, on which the right of such taking or impressing is founded, is not itself called in question. And the exercise of the right was not attended with any difficulty; because, the nations of Europe speaking different languages, it was easy to distinguish the subjects of each, and thus to avoid the mistakes and hardships of which we complain. The principle of allegiance, and the long usage of the European

nations, have constituted the law on this subject; and by maintaining our connexion with that civilized portion of the world, and in forming a part of that society of nations, we must consent to be governed by its public law. The division and separation of one people, and so forming two nations speaking the same language, can make no change in the nature of things; and it as little comports with decency as with reason, that because we at present suffer some inconvenience from it, we should demand that this general law of nations should be abolished. As the British right of impressing their native subjects from neutral merchant vessels is incontrovertible, so is ours; and that Government has publicly declared, that we have the same right to take our native seamen from her merchant vessels that she claims and exercises in taking hers from our merchant vessels.

What then is to be done? A new case has occurred—an evil has arisen out of it—and a remedy is wanting; but, after more than twenty years of claims, discussions, and negotiations, a remedy has not yet been found; and because it is not found, our Government makes war on Great Britain to compel her to abandon an incontrovertible right, or to discontinue its exercise in a manner equivalent to such abandonment! There can be no remedy but that which shall result from negotiations fairly conducted, and with a sincere desire to provide a new rule adapted to this new case; and until that be discovered, Great Britain will neither abandon the right nor suspend the practice.

We may now, Mr. Chairman, I hope, with clearer views, examine the conduct of our Government on this difficult subject.

Mr. Madison has maintained the position, that although the law of nations allows a belligerent to enter and search neutral vessels for the persons and property of enemies, yet that it does not permit him to enter and search the same vessels for his own subjects and his own property.

I have already attempted, and I hope successfully, to show why no positive rule in this case has been found in writers on the law of nations; because the right being unquestioned, no positive explicit rule was necessary. In a case so clear, "reason, whose authority is of so much weight in the law of nations," was a sufficient guide.

But, after admitting the right of a belligerent to enter and search neutral vessels on the high seas, and to take away the persons and property of his enemies, would it not seem strange if he had no right to enter and search and take away what, without question, was his own? Why is he allowed to take his enemies and their property? Because he has a right, and it is his duty, to lessen their power and means of continuing the war. But of how much more value is a subject who will actively contribute to carry on the war, than the person of an enemy who must be supported at great expense, and require, as guards, the subjects who would otherwise be employed in the field or on shipboard in reducing the enemy's power? The ocean is nature's vast com-

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mon, where all nations have the right to enter; where all have equal jurisdiction; and where each has the right to search for and take his own, whether persons or property. This, to unadulterated reason, seems so plain, that to deny it must shock the common sense of mankind.

It is also said, that a belligerent who enters on board a neutral merchant vessel to search for and take his own subjects and their property, violates the sovereignty of the neutral nation; and that to submit to it, would be to surrender its independence. If there can be any violation of sovereignty and independence in this case, it must be by the entry and search, and not by doing that for which alone the entry and search take place. But as the entry and search in one case is not imagined to violate the sovereignty and independence of the neutral, neither can it in the other.

With regard to the number of native American seamen on board British armed ships, since the war, I think it probable that as many native British seamen have served on board our own. I have received information entitled to credit, that about half the crew of the *Constitution*, when she took the British frigate *Java*, were of foreign origin, British, Danes, Swedes, &c., and that half, or rather more than half of the foreigners were English, Scotch, and Irish. Although British seamen, in order to get protections and employment in American vessels, do not hesitate to declare themselves to be Americans, yet the natural frankness of a sailor, and many circumstances difficult to be long concealed, discover, in the course of a voyage, to what country he belongs. There is nothing very extraordinary in British seamen serving in our ships. I well remember in our Revolutionary war, having understood that many British seamen entered on board our private armed vessels, and that an experienced British sailor for the important station of boat-swain was then deemed a great acquisition.

Mr. Madison, in his letter of January 5, 1804, to Mr. Monroe, (then our Minister in London,) supposes, very preposterously, that of the seamen impressed from American vessels, very few were British subjects; because of the applications made to the Ministers and agents of the United States, in London, to obtain their release, only about one-twentieth were detained as real British subjects. But in cases that were clear, as the greatest part must have been, as to real British subjects impressed, no such applications would be made. British naval officers, well acquainted as they must be with the manner of speaking peculiar to the Scotch and Irish, and to Englishmen in many parts of England, where their speech has peculiarities almost as distinct as those of the Scotch and Irish, would seldom fail to distinguish all these from native Americans. The "twentieth part," therefore, mentioned by Mr. Madison detained as British subjects, (being, by his statement, 102 out of 2,059 who had been impressed from 1793, when the war between England and France commenced, to September, 1801,) must have consisted of those few who had the confidence to declare themselves to be Americans,

and hoped to escape detection. Of that whole number, he says 1,142 had been discharged, or ordered to be so, as not being British subjects. Discharges of some others had been previously obtained on the applications of our Ministers, Mr. Pinkney and Mr. King.

I will now, Mr. Chairman, present to the Committee a train of facts which must convince every candid mind, that the accounts of the numbers of impressed native American seamen have been vastly exaggerated; and that instead of six thousand and upwards, according to the official statements, probably not as many hundreds were then held under impressments.

Mr. Chairman, before I exhibit the evidence in my possession, it is proper for me to inform the Committee, that an attempt was made in Massachusetts to ascertain, by official investigations, the number of seamen belonging to that State who had been or were then impressed by Great Britain, France, or any foreign Power, by requiring the selectmen and assessors of the several towns, districts, and plantations, to examine and make returns thereof, to be laid before the Legislature. For this purpose a resolve was passed in the House of Representatives, but was rejected by the Senate of that State. The members of the latter body had been elected in the *Gerrymander* districts into which the State had been formed, unconstitutionally, and in open outrage of all the regular institutions and arrangements of the State from its foundation, and of that order and decorum which had distinguished the country from the early settlement of the province. Every gentleman, it is presumed, now understands the meaning of the word *Gerrymander*, first applied in Massachusetts to a district monstrously distorted, for the purpose of carrying elections suited to the views of the then temporarily dominant party. Mr. Gerry (now the Vice President of the United States) being then the Governor, and approving of the act, the *monster* was called after him, the *Gerrymander*. Other districts were similarly distorted, and the expected effect ensued. Of forty Senators to be chosen in a State decidedly Federal, twenty-nine were Democrats. It was this Democratic majority, in their political year 1812-'13, which negated the resolve I have mentioned, in order to prevent the discovery of the truth relative to impressments—the purposes of the party being better promoted by shutting the light from the eyes of the people, and talking of thousands of impressed seamen, when the probability was that the number was comparatively small.

Although disappointed in their fair attempt to ascertain, by official returns, the precise number of seamen in the whole State who had been impressed, whether natives or foreigners, and of the latter, to what nations they belonged; the measure adopted by the committee of the House of Representatives enabled them to exhibit a body of facts from which a tolerably correct opinion might be formed of the whole number of impressed seamen, not of the seaports only, but of all the towns (which there mean townships) and

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places in the State. Their report to the House I hold in my hand. Annexed to it are fifty depositions relative to impressments, by merchants, masters of vessels, and others, without distinction of political parties. It would be improper to repeat here such a mass of evidence; but if any gentleman desire to examine it, the pamphlet is at his service. I can read only some parts of it.

Mr. William Gray, formerly of Salem, now of Boston, so well known for his wealth and the great extent of his shipping and commerce, deposes and says—

"I have been engaged in commerce and navigation forty or fifty years, and have for the last fifteen or twenty years employed about three hundred seamen annually upon an average.

"I recollect the following cases of impressments and detentions of seamen. In the year 1811, while one of my vessels, the *Rachel*, was at Leith, in Scotland, two of my men, viz: Samuel Tuck, and I think Israel Foster, were impressed from the vessel; one of them I understood escaped from the man-of-war, and reached my vessel before she left Leith; the other I understood effected his escape with the aid of a waterman at Liverpool. I cannot recollect any other cases of impressments by the British from my vessels; but, from the multiplicity of my business, it is almost impossible for me to remember the individual cases; I have no doubt the aforesaid Tuck had a protection.

"I recollect no cases of impressments and detentions by the French, except the three Swedes taken soon after the affair of the *Chesapeake*, and which are stated in my letter to Colonel Pickering, in the year 1808.

"I have had whole crews taken in my vessels when they have been captured both by the English and French; but I do not mean to say that the men in those cases were impressed or detained by those nations."

[The whole deposition was read together with several others, but they would occupy too much room to be printed here. Mr. Gray mentions four other cases, within his knowledge, of impressments of men belonging to Salem. One was released on his application; he did know what became of the other three. Four fishermen were impressed off Halifax; they belonged to Salem, were sent for, and immediately released. He mentions a letter from the supercargo of a ship belonging to Philadelphia, on which he was an underwriter, stating that her whole crew had been impressed; but Mr. Gray adds, that the captain in his protest made no mention of the impressment of the crew. He thinks he recollects three or four more cases of men impressed, generally from Salem. The other cases mentioned by Mr. Gray, are omitted as not material here, and because these with all others in the depositions are comprehended in the summary reported to the House of Representatives of Massachusetts.]

It will be proper, Mr. Chairman, that I inform the Committee of the occasion on which Mr. Gray wrote me the letter mentioned in his deposition. Mr. Jefferson, in his Message of December 18, 1807, having pretended that one reason for recommending an embargo was to save our seamen from impressments, I wrote to my friend,

Mr. Goodhue, (formerly a Senator in Congress from Massachusetts,) for information concerning impressments. He put the letter into the hands of Mr. Gray, who, on the 8th of January, (seventeen days only after the embargo law had passed,) sent me the following answer, which is subjoined to his deposition:

"SALEM, January 8, 1808.

"SIR: Our mutual friend, Mr. Goodhue, has shown me a letter, in which I think you ask what is the extent of the complaint against the British for impressments of our seamen. I have taken the liberty to give you my opinion, that since the *Chesapeake* affair we have had no cause of complaint. I cannot find one single instance where they have taken one man out of a merchant vessel. I have had more than twenty vessels arrive in the time, without one instance of a man's being taken by them, except three Swedes that were taken out by a French frigate. I have made inquiry of the commanders of all the vessels that have arrived in this vicinity, and cannot find any complaints against the British cruisers. I think the British engaging that our national ships shall not be searched, ought to satisfy us on that head. I presume the only cause of the embargo was the threat of Bonaparte, that he would put his decree of November 21st in force. This I think was not sufficient to justify so strong a measure. May we expect the embargo will be off soon—or must we wait to hear from France? When you have a moment's leisure, will you write what is the prospect of the times as particular as you can consistently? You know my whole estate is in navigation and foreign commerce; and it is a very eventful moment with such property. I cannot think it possible that we shall be mad enough to go to war with either of the two great nations.

"I am, respectfully, sir, your most obedient servant,

"WILLIAM GRAY.

"HON. TIMOTHY PICKERING,  
*United States Senator, Washington.*"

Mr. Gray, as is now generally known, has since gone over to the ranks of Democracy—has loaned money to the Government to carry on this "mad" war for sailors' rights, which he knew were in so small a degree affected; and after saying, that if the British would engage not to search our national ships (as they had done in the case of the *Chesapeake*) we ought to be satisfied!

Colonel Israel Thorndike, of Boston, deposed that for the last ten or twelve years (excepting the time of the embargo) he had usually employed more than two hundred seamen annually on an average; and that he had not more than six or seven men, to his recollection, impressed during that period. He enumerates them: six were foreigners, and one an African, who, in a state of intoxication, at Liverpool, entered into the British service. He mentioned one more who had been impressed twenty years ago in some port in England. One of the officers of Col. Thorndike's vessel requested him to declare himself an American; but he said he would not deny his country, and surrendered himself. In a few years afterwards he returned to his family in Massachusetts.

Commodore Bainbridge stated, that, during all

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the time he was in the merchants' service, he had but one man impressed.

Captain Hull, of the Navy, deposed, that, during the five or six years he was in the merchants' service, he never had any of his men impressed from his ships, either by the British or French.

Captain William Story, of Marblehead, deposed, that he had been master of a vessel for ten years, from 1797 to 1807. He does not say that he ever had a man impressed. But in 1794, being in the East Indies, at a British port, mate of a ship, he says ten men were taken from her; of whom four had Consular protections, and he was satisfied they were Americans. "The other six I expect were Englishmen," are his own words. He had heard of ten native seamen impressed, and from whom letters had been received by their friends; and he mentions the names of six more natives whom their friends suppose to have been impressed. Captain Story (a warm partisan of the war for sailors' rights) adds one more to his list—a native who had been taken by the British on board one of our privateers! It was said he was a Portuguese; but Captain Story says, "documents were sent down for his release, and he has returned home."

It will be proper to examine the facts in the cases mentioned by Captain Story. Of the ten cases he had heard of, it appears by the depositions of Messrs. Nathaniel Hooper and B. T. Reed, merchants of Marblehead, that three were taken on board of French vessels, two of them privateers, and had their choice to be prisoners of war, or to enter on board the British ships; they chose to enter. Two found on board British ships, and supposed to have been impressed. One had for misconduct been left on shore in Europe by his American master, and had since written that he was under impressment. Three had been released, and had returned home. One had returned home, as Captain Story states.

One of the six in Captain Story's deposition, supposed to have been impressed, had also been released. It is probable that the remaining five of these supposed impressments might be satisfactorily accounted for could the investigation be made.

Captain Andrew Harraden, of Salem, deposed, that he had been master of a vessel about twenty years, and never had a man impressed by the British. One was impressed by the French; but he was returned next morning.

Captain Josiah Orne, of Salem, deposed, that he had been master of a vessel about twenty years, and never had any man impressed by the British, except in one instance, by a frigate from which one of the men impressed had deserted but three months before; the other was "a green Irishman who had a broad brogue." Both, however, had protections as American citizens, which they had procured at New York.

Captain Moses Townsend, of Salem, (also of the war party,) deposed, that he had been engaged in commerce about thirty years, and was master of a ship about twenty years. He never had any men impressed, except once when at Bristol, in

England. They were taken in the evening, and upon his application released the next day. He knew one native impressed, who remained in the British service till his death; and one other who said he had been under impressment some years, but had been released. He then mentions seven others who, he understood from common report, had been impressed; but all of whom (one excepted) had, he believed, been released, and returned home.

This cursory view of impressments, Mr. Chairman, as exhibited in the few depositions I have noticed, (and the rest are like them,) must satisfy every mind, open to conviction, that the actual impressments of our native citizens must have been very few; and of these, that nearly all had been released. The summary, therefore, reported to the Massachusetts House of Representatives last year, by their committee, presents just such a result of the evidence afforded by the depositions as might have been expected. The report states, that it appeared from the deposition of the merchants who were examined, and who had been engaged in commerce and navigation for ten, fifteen, and twenty years past, that the whole number of seamen they had employed, upon an average of the last twelve or fifteen years, (deducting the period of the embargo,) amounted to about 1,560 annually; that of this number, for that whole period, the committee had found the following cases of British impressments, to wit:

American seamen	-	-	-	-	12
Foreign seamen	-	-	-	-	23

Total	-	-	-	-	35
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Of which number there had been discharged—

Foreigners	-	-	-	-	6
Americans	-	-	-	-	9
Escaped	-	-	-	-	2

Total	-	-	-	-	17
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Leaving, of the twelve Americans impressed as above, but one who has not returned.

The whole number of men impressed, (excepting the few found on board the captured ships-of-war, of which an account is given among the depositions,) of which evidence had been given to the committee, including not only cases within the personal knowledge of the witnesses, but also cases they had heard of from the friends of the impressed seamen, in such manner as entitled them to credit, amounted, with the foregoing, to

Add cases of supposed impressments	-	-	-	-	10
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Total	-	-	-	-	157
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By the British	-	-	-	-	145
By the French	-	-	-	-	11
By the Portuguese	-	-	-	-	1

Total	-	-	-	-	157
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## Of the whole number there were—

Americans	-	-	-	-	107
French Louisianan	-	-	-	-	1
Foreigners	-	-	-	-	47
Unknown	-	-	-	-	2
Total	-	-	-	-	157

## Of the Americans there were—

Discharged on application	-	-	-	-	51
Escaped	-	-	-	-	9
Entered	-	-	-	-	4
Died	-	-	-	-	3
Detained	-	-	-	-	8
Supposed to be detained	-	-	-	-	20
No account given	-	-	-	-	12
Total	-	-	-	-	107

Mr. Chairman, as much complaint has formerly been made that some British navy officers paid but little or no regard to sailors' protections, and consular certificates of citizenship, a few facts will show to how little respect a great portion of them were entitled. Mr. Josiah Waters, who had been fourteen years a clerk in the custom-house at Boston, while General Lincoln was the collector, (and in whose time it appears that great care was taken to detect and reject forgeries and false witnesses relative to seamen,) deposed, "that in many cases the seamen used to bring as witnesses to prove their citizenship, the masters of boarding houses; and in some instances, the same masters of boarding houses were brought so often as to excite suspicions of their veracity, and their oaths were not afterwards admitted." Mr. Waters adds: "I have destroyed hundreds of false protections."

Mr. William Parsons, merchant, of Boston, deposed, that in the year 1806, his ship Meridian received her crew at Norfolk, in Virginia, whence she sailed to Rotterdam; in coming out of which port, one man was impressed by a British sloop of war, as a British seaman. The British officer said, that if the man himself would say that he was an American, he would give him up; but the man would not do it, though he said he had a wife in America. When Mr. Parsons paid off this crew they informed him that they had bought their protections at Norfolk for two dollars a piece. And there was but one of the crew (a Connecticut man) whose real name was the same as that in his protection. This appeared on the inquiry of Mr. Parsons for their true names when he paid them, and they gave receipts for their wages. "Many of them had forgotten the names they went by in their protections."

The facility with which British seamen may be obtained to man American merchantmen, even in British ports, is exemplified in the following instance. Some years ago, in this city, (as some of my fellow boarders, still members of this House, will recollect,) Captain Ham, of Portsmouth, in New Hampshire, informed us, that being at Bristol, in England, he wanted a

crew for his ship. Upon inquiry, he was told, that for a guinea or two a head, the master of the press-gang would procure hands for him. It was done; and the landlord of a sailors' boarding house furnished American protections. The landlord took out some bundles of protections, and selected such as most nearly answered to their respective descriptions. It seemed that protections came to the hands of such landlords either as pledges, or as the actual payment for the board of sailors.

A few years ago, when Dr. Mitchell, of New York, was a Senator in Congress, I remember his stating, in his place, that one-third or two-fifths of the seamen of that city were British subjects, and other foreigners; and mentioned with what facility, and for how few cents, American protections were obtained for them.

I have been told by a nephew of mine who resided in Charleston, South Carolina, seven years, from 1786 to 1793, that he was then informed, that only two seafaring men of that port were natives of that State; one of them a master of a vessel, the other, I think, the son of an English family which had settled there. The Summer before last, a gentleman of that city, (who is known to the honorable Speaker to be a person of reputation,) travelling in Massachusetts, was pleased to call to see me, though personally a stranger. In the course of conversation, I repeated the above information, that at the time mentioned there belonged to the port of Charleston only two seamen natives of South Carolina. "There are more now," said the gentleman. "How many do you think?" I asked. He answered "fifty." Now, Mr. Chairman, if my memory serves me, by the official return of the tonnage of vessels belonging to Charleston, about the year 1809, the amount was not much short of forty thousand tons, besides about eight thousand tons in coasting craft. And reckoning six men to a hundred tons for the first, say thirty-eight thousand tons, more than two thousand seamen would be requisite to man the vessels of Charleston engaged in foreign trade. These were, consequently, composed of citizens from the Northern States and foreigners, and of the foreigners a very large proportion must have been British subjects.

I wish, Mr. Chairman, to present one more view of this subject of impressments; the result of an examination of the public documents, about a year ago, by one of my colleagues. By those documents, the grand total is the well-known number - - - - - 6,257

From which he deducted for the same name, and apparently the same person, twice, thrice, or more times repeated - - - - - 548

For an excess arising from some errors between the returns of 1805 and 1808 - - - - - 757

Leaving - - - - - 4,952

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From which he deducted—

For acknowledged British subjects	- 516
Those who had no protecting documents	- 568
Those with insufficient documents	- 664
Those who had entered voluntarily	- 281
Those with fraudulent protections	- 195
Deserters	- 95
Those married in Great Britain	- 42
Neutral aliens and natives of the West Indies	- 50
Prisoners of war	- 21
	<hr/> 2,432

Leaving - - - - - 2,520

From this number he deducted one-third, which appeared to him, from the documents, rather less than the full proportion of seamen impressed from British merchant vessels, in which, if not British subjects, the American flag could afford no pretence for protection - - 840

Leaving - - - - - 1,680

From the last number he deducted those who had been discharged, or had been ordered to be discharged - - - 1,524

Leaving unaccounted for - - - 156

But doubtless some of those noted as without documents, or with insufficient documents, were Americans, and might swell the sum total of impressments to a few hundreds of native Americans, instead of six thousand.

One fact more, Mr. Chairman, on this subject, indicating how small is the number of native Americans that are impressed. By official returns made last year to the Legislature of Rhode Island, the whole number of citizens of that State under impressment amounted to nineteen, with which the gentlemen present from that State are acquainted.

But, Mr. Chairman, attempts have been made to justify this war for "sailors' rights," by the doings of the Federal Administration, under the Presidents Washington and Adams; and passages in my own official letters on the subject have been read, and with a tone and emphasis which it was thought, perhaps, would strike me dumb. Of those letters, written from thirteen to seventeen years ago, when Secretary of State, I had no particular remembrance. The Administration have now hunted them up with great diligence, and for my own part, I feel no regret. Always accustomed to think freely, and to speak and write what I think, I have never any dread of exposure. Thinking too humbly of myself to imagine that I can avoid errors in opinion, I am, when convinced, not too proud to acknowledge them. But, sir, on reading the passages referred to, I do not find this apology to be necessary. I must be allowed to repeat them, with some additions and remarks.

On the 8th of June, 1796, I thus wrote to Mr. King, our Minister in London: "Among the ar-

ticles left unadjusted [when Mr. Jay concluded 'his treaty] one of the most interesting regards 'the impressing of American seamen.'" "The 'long but fruitless attempts which have been 'made to protect them from British impresses. 'prove that the subject is in its nature difficult.'" "The simplest rule, as remarked to Mr. Pinkney, 'would be, that the vessel being American, 'should be evidence that the seamen on board 'her are such." This "simplest rule" is but the repetition of Mr. Jefferson's words in his letter of July 11, 1792, to Mr. Thomas Pinckney, then our Minister in London. I then add: "But it 'will be an important point gained, if on the 'high seas our flag can protect those, of what- 'ever nation, who shall sail under it. And for 'this, humanity, as well as interest, powerfully 'plead. Merchant vessels carry no more hands 'than their safety renders necessary. To with- 'draw them on the ocean, is to expose both lives 'and property to destruction. We have a right, 'then, to expect that the British Government 'will make no difficulty in acceding to this very 'interesting provision." In my zeal, Mr. Chairman, to protect American citizens and their property, on the high seas, it did not then occur to me that it was always in the power of American merchants to provide for the safety of both by excluding British subjects altogether from their vessels. Had this been done voluntarily, or by the compulsion of laws enacted for that purpose by ourselves, we should no longer have heard of the impressment of American seamen. But the merchants would have been extremely unwilling to have been put under this constraint. By the destruction of the mercantile marine of France, Spain, and Holland, the demand for American and other neutral vessels to carry on the commerce of those three nations, was so rapidly increased, that without British seamen, one-fourth of our merchant vessels must probably have remained unmanned. At the most prosperous period of our commerce, we had probably fifteen thousand British seamen in our merchants' service. In saying that our own merchants could provide for the safety of their vessels on the high seas, by excluding British seamen, I mean, that from their more intimate knowledge of our own country, they would seldom fail to discover, on putting a few questions to a sailor, whether he was or was not born in the United States. The British officers who impress seamen, for want of that local knowledge, must often be deceived; hence, in part, the multitude of English seamen remaining in our merchants' service, in the days of our prosperity, notwithstanding their exposure to impressment.

In the same letter I mention three classes of seamen who ought to be secure from impressment; those born in our country; those, wherever born, who were citizens at the definitive Treaty of Peace; and foreigners, whose language would at once prove that they were not British subjects. The fourth class consisted of British born subjects who had become citizens and inhabitants subsequent to the Treaty of

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Peace. Of this class, I say—"it may be attempted to protect them as well in time of war as of peace."

In reference to the difficulties thrown in the way of our agent employed in the West Indies to procure the discharge of American seamen, I say, in my letter of September 10, 1796, to Mr. King: "If the British Government have any regard to our rights, and respect for our nation, and place any value on our friendship, they will even facilitate to us the means of relieving our oppressed citizens."<sup>(8)</sup>

In my letter to Mr. King, of October 26, 1796, having mentioned the British impressment of a Dane and a Portuguese, I remark—"This surely is an abuse easy to correct. They cannot pretend an inability to distinguish these foreigners from their own subjects; and they may with as much reason rob American vessels of the property or merchandise of Swedes, Danes, and Portuguese, as seize and detain in their service the subjects of those nations found on board American vessels."

In a letter to President Adams, dated February 20, 1800, I mention the project of Mr. Liston (the British Minister here) of a treaty, having for its object the preservation of American seamen from impressment, while it should secure to Great Britain the services of her own seamen; which project I disapproved, and deemed "utterly inadmissible, unless it would put an end to impressments, which Mr. Liston seemed to imagine; while the seventh paragraph expressly recognised the right of impressing British subjects, and consequently American citizens, as at present." The last idea is inaccurately expressed; its meaning is, that in exercising the right of impressing British subjects, some American citizens would be impressed, for the reason often mentioned—the impossibility, sometimes, of distinguishing one from the other.

These, Mr. Chairman, are the most material passages in my letter; which, from the manner of exhibiting them, some gentlemen seemed to imagine would confound me. But, with a single exception, I see nothing to change. Where abuses exist, I have censured, and shall always censure, those who commit them, of whatever nation they may be. The exception I refer to respects only the intimation of a doubt of the right of the British to impress their own subjects found on board neutral merchant vessels on the high seas. I did not then know the antiquity of the British practice, nor the corresponding practice of France; nor had ever attempted to trace that practice up to its principle. My enlightened friend, who wrote the pamphlet I have before mentioned, I believe was the first to perform this task; and he performed it in a manner which, I should have presumed, would have satisfied every candid mind.

The letters of Chief Justice Marshall, written when he was Secretary of State, have also been seized upon by gentlemen to aid them in their attempts to justify a war, which is professed to be continued solely on account of British im-

pressments. In his letter of September 20, 1800, to Mr. King, he says: "The impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and honor of the nation." "No right has been asserted to impress the natives of America; yet they are impressed; they are dragged on board British ships of war, with the evidence of citizenship in their hands, and forced by violence there to serve, until conclusive testimonials of their birth can be obtained." Yes, *conclusive testimonials*; for the evidence arising from the common "protections," although it was not then well known that false and fraudulent protections abounded, must now appear of the feeblest kind.

"The right to impress those who were British subjects [from American merchant vessels] has been asserted, and the right to impress those of every other nation has not been disclaimed. Neither the one practice nor the other can be justified." No one more highly respects Chief Justice Marshall than I do; but this opinion (that the right claimed and exercised by Great Britain to impress her own subjects from neutral merchant vessels was not justifiable) was not pronounced after an investigation and discussion of the subject before him as a judge. The truth is, I believe, the question had never in this country been examined on its principles, until, as I have already said, it was done by my friend before referred to.

"The United States require positively, that their seamen who are not British subjects, whether born in America or elsewhere, shall be exempt from impressments." Here the Chief Justice strongly expresses the same sentiment that I had done, that *foreigners*, not British subjects, should be exempt from impressment, because their different language precluded the possibility of mistake.

"The case of British subjects, whether naturalized or not, is more questionable." This observation of the Chief Justice is a departure from the positive opinion before expressed; and would confirm the justness of my remark, that the question had not then been examined on its principles; yet, he adds, "but the right even of doing this is denied."<sup>(9)</sup>

But I presume, sir, that the letter of the Chief Justice has been introduced, because when pressed with applications, in the Department of State, for his aid to procure the release of our seamen impressed, some of them with circumstances of abuse from the intemperance of individual naval officers, he had said that "the continuance of the practice of impressments must inevitably produce discord between two nations which ought to be the friends of each other;" and afterwards asks, "Is it not more advisable to desist from, and to take effectual measures to prevent an acknowledged wrong, [the taking of American citizens, who were not British subjects, from our merchant vessels] than by perseverance in that wrong, to excite against themselves the well-founded resentments of America, and force our Government into measures which may

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"very possibly terminate in an open rupture." As though the state of impressments at any past time would in his opinion have rendered a war expedient; and as though the actual state of impressments, at the time when the war was declared, and when the evil was manifestly and most materially diminished, could furnish an adequate cause of war; and as if the Chief Justice could possibly approve of its principle, its policy, or the manner in which it has been conducted! If any thus imagine, let them now ask his opinion.

For the purpose of exciting keener resentments among the people against Great Britain, her ships of war have been called by the most opprobrious names—dungeons and floating hells, and the condition of our impressed seamen on board of them a state of slavery. Yet, sir, there is not an American naval officer who would not feel it a reproach, if told that the discipline on board his ship was less exact or inferior to that of British ships? It is that exact discipline which enables both to exert their utmost force. That our seamen entertain no such frightful ideas of British ships of war is certain, because considerable numbers voluntarily entered, and some have declined being discharged. But the same parcel of documents which I am now examining furnish proof in point. It is in a letter from Mr. Pinckney, dated in London, the 13th of March, 1793, to Mr. Jefferson, Secretary of State. He says: "Our trade continues subject to great inconveniences, both from our seamen being impressed, from the plea of their being British subjects, and from their entering voluntarily on board of the King's ships, tempted by the present high bounties."

One word more, Mr. Chairman, and I quit this subject. It is said we must continue the war, and take Canada, to induce or compel Great Britain to give up her right, or to abandon the practice of impressing her own subjects from our merchant vessels. It seems scarcely credible that any person of information should believe in this doctrine. I will here oppose to it only the opinion of a gentleman of high standing, and distinguished for his discernment, knowledge, and abilities as a statesman: I mean Mr. Bayard, whom the President selected for one of the Commissioners to negotiate with those of Great Britain on this very subject, in order, as professed, to bring about a peace. This was expressed in a speech delivered in the Senate, on the 16th day of June, 1812, only two days before the fatal declaration of war, on his motion to postpone it to the 31st of October. Had his motion and advice prevailed, we should now have been at peace, and enjoying, if our Government had pleased, a prosperous commerce. Mr. Bayard said:

"The question as to the impressment of our seamen did not present insuperable difficulties. Britain never contended for a right to impress American seamen. The right she claims is to take her own subjects found in our merchant service. She exercises the right in relation to her own private vessels. This

right she never will nor can give up. If our merchant flag was a sure protection to British seamen who sailed under it, the British navy must be unmanned by desertion; while our merchants can and do pay a dollar for every shilling a sailor can earn in the naval service of his country."

Another subject of complaint, Mr. Chairman, against Great Britain, is her restricting the commerce of neutral nations, by what has been called the rule of 1756. This rule has been formerly represented by the Administration as peculiar to Great Britain. But the fact is otherwise. The French Government adopted similar regulations long before. The principle of those regulations was the same as that on which the rule and the practice of Great Britain rested. Louis XIV, in his ordinance of 1704, (which was reordained, substantially, by Louis XV, in 1744,) seems to anticipate the satisfaction of the subjects of neutral States, when they should experience the care he had taken "to preserve for them the same extent and the same liberty of commerce which they have been accustomed to enjoy during peace." This is precisely the general rule of Great Britain. And the reason of it is this: That, to carry on, in time of war, a new and extraordinary commerce for one belligerent would be a departure from the duties of an impartial neutrality, and becoming, in effect, an auxiliary Power. This would have been extremely convenient to France, when her own merchant vessels had been either captured, or driven from the ocean by the British navy. But for this British rule of 1756, (the same with the French rule of 1704 and 1744,) the commerce of France would have been placed in as good a situation, or better, than if carried on in her own vessels; because, on the supposition that neutrals, carrying it on for her, were under the protection of the law of nations, it would be perfectly secure from capture; the neutrals only becoming really, or apparently, the owners of the merchandises constituting the articles of that commerce. To this no counter-belligerent, possessing an efficient naval force to prevent or interrupt it, would ever submit. By the laying up of her merchant vessels, the seamen of France employed in them, were at liberty to man her ships of war and privateers; and so far as neutral seamen manning neutral vessels were employed in a trade not allowed by France in time of peace, so far the neutrals became auxiliaries in the war.(10)

By an improper extension of the rule of 1756, in the years 1793 and 1794, British cruisers captured great numbers of American merchant vessels. For these, indemnities were demanded; and, by Mr. Jay's treaty, provision was made for adjusting them. The result was that Great Britain paid to the merchants of the United States about six millions of dollars, for their losses by those captures.

On the other hand, French cruisers were employed in committing depredations on our commerce from an early period of her Revolutionary war until the year 1800; not under any rule, but in direct violation of the law of nations, and of

the treaty then existing between the United States and France. These spoiliations amounted, by the best estimates, to twenty millions of dollars, for which no indemnity whatever could be obtained; and the claim for which was finally abandoned.

In the early part of the French revolutionary war, Spain was the ally of Great Britain; and for spoiliations committed by Spanish cruisers during that time, Spain paid indemnities to our merchants in like manner as Great Britain had done. But for those committed by Spanish cruisers, after she became the ally of France, no indemnity has been obtained. This, however, is not to be imputed to a want of good faith in Spain. She was willing, and by a treaty negotiated in 1801 or 1802, she stipulated to give a just indemnity for the illegal captures made by her own cruisers, but refused to pay for those made by French cruisers, carried into Spanish ports, and there condemned by French Consuls. This treaty was concluded by Mr. Charles Pinckney, the Minister to the Court of Spain, appointed by Mr. Jefferson, but was not ratified because the French captures of American vessels condemned by French Consuls in Spanish ports were not comprehended, and thus nothing has been obtained. Another negotiation was set on foot, in which Mr. Monroe was joined with Mr. Pinckney. To settle the boundaries of Louisiana, as well as the question of spoiliations, was an object in this new negotiation, but nothing was effected. The Spanish Government persisted in refusing to pay for American property condemned in her ports by French Consuls. The fact was, it was not in her power to prevent it against the will of France: and the French Government contended, also, that those spoiliations of American property captured by French cruisers, carried into Spanish ports, and there condemned by French Consuls, were comprehended, with the other French spoiliations, in the treaty of September 30, 1800, between France and the United States; and therefore cancelled, by mutual agreement, according to the terms of that treaty.

The gentleman from South Carolina (Mr. CALHOUN) advertising to the present state of the world, with France driven back and likely to be compressed within limits compatible with the general safety, imagined that the united Powers of Europe would now turn against Great Britain, and confine her within proper limits on the ocean, while he seemed to admit that she had been fighting for her existence. The gentleman spoke with an air of triumph, that the United States had had the courage to resist her on her own element, and said, that if we had made no resistance to England, we should have lost all our commerce. Well, we did resist; and where now is our commerce? Annihilated. But the gentleman consoled himself with the consideration, that if we had not done much against England, she had not done much against us. And is it, indeed, a small matter; is not much done against us when our ports are blockaded and our whole commerce destroyed? The gentleman, however, seemed to admit that we could not now succeed,

with our population of eight millions; but may hereafter, when we shall have increased to twenty or thirty millions. And would it not have been wise to have postponed our resistance until the period arrived when resistance might be made with some prospect of success?

That Great Britain should not have accomplished much against us, in the way of fighting, is not strange, seeing she was taken by surprise. For notwithstanding the talks in Congress, and the rumors abroad, about a war with Great Britain, few believed it. When we were without troops, without many of the munitions of war, and without money, the common sense of mankind revolted at the idea of its being voluntarily declared. Great Britain, therefore, had taken few if any precautions even for the defence of Canada. And when war had been declared, seeing the Orders in Council were its principal cause—when these were removed, it was natural to suppose that the war might cease or be suspended. Admiral Warren, therefore, may be considered as having been sent to negotiate rather than to fight. And the efforts on our seaboard have in fact been extremely feeble. Should the war, however, be continued, we may expect it will be conducted in a very different manner. The colossal power of France having been reduced, the allies may find her full employment, and allow Great Britain to point a portion of her attention to her American provinces, and the war on our coast.

When France was, in the view of many, and in the fears of most reflecting men, all-powerful by land; when it was doubted whether Russia could defend her own Empire, then indeed gloomy apprehensions were entertained for the fate of the civilized world. Had Russia been subdued, the French Emperor, with the whole European continent in his hands, and commanding all its means of building and manning a navy more powerful than that of Great Britain, she must have sunk under the pressure. But if any one Power must have the ascendancy on the ocean, it is desirable that Great Britain should be that Power. Circumscribed by the seas which encompass her islands, her population is necessarily so limited, as never to furnish armies capable, by themselves, of making any permanent impressions on the Continent. The trident of the ocean may therefore be safely left in her hands.

On the subject of the *Loan*, Mr. Chairman, the gentleman from South Carolina (Mr. CALHOUN) asked, what would be the consequences if the bill on your table should fail? And he answered, that the operations against Canada would fail; public credit would fail, at home and abroad, and the Army, the Navy, and every department of the Government would suffer.

With respect to Canada, it is desirable that its conquest should not be attempted. No good could result from the conquest if effected, and the attempt would cost many thousand lives, and many millions of money. If conquered, it must be restored before Great Britain will make peace.

As to public credit, I distinguish between that of the United States, and the credit of the Ad-

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ministration. The latter may fail, and the former be secure. A transfer of the administration of the Government to other hands would restore the public credit, already deeply impaired, because the only solid foundations for its support would then be relaid.

As to the Army and Navy, if one be disbanded and the other laid up, I see no harm that can result. The soldiers can travel home, if, like many of their comrades already discharged, they are dismissed without pay, and compelled, as I have understood these have been, to depend on the kindness of their fellow-citizens by the way. And the seamen will only be returned to the condition of their brethren at home, deprived, by the conduct of our Government, of their usual occupations.

As to the part our "declared" enemies will act, if for want of money we should have no army, I entertain no uneasy apprehensions. They are *unwilling enemies*; and, unquestionably, if we do not invade their territory, they will leave ours unmolested. And when we shall stand merely on the defensive, the militia will suffice.

But the gentleman seemed to think, that even if the war were unjust, the majority ought to be supported in obtaining a loan rather than hazard the consequences just enumerated. But, sir, there would be one good consequence that would outweigh all the recited evils. If we cannot carry on the war, we must have peace; and this will give employment to the sailor and soldier, and to every class of citizens, and open the way to a revival of our former prosperity.

The gentleman claimed the support of the minority to obtain the loan, because the minority, or some of the minority, voted for the objects of expense which render the loan necessary. With this, sir, I have no concern. I was not then in Congress. Nevertheless, I did not at that time withhold my opinion. It was communicated by letters to some of my friends in the minority; and there are gentlemen present who know it. I was opposed to the voting for a single soldier, or for the timber-head of a ship, because I would not put weapons into the hands of men, who, I was morally certain, would use them only to produce public mischief. I asked them if they voted for an army and a navy, how they would withhold their vote for money to support them?

Different gentlemen have adverted to the terms proposed by our Administration for an *Armistice*. The honorable Speaker (Mr. CHEVES) thinks they were reasonable and proper; that the refusal by Great Britain to accept them was a sufficient cause for continuing the war; and that to have treated, without orders being previously given, to discontinue the impressment of seamen and to restore those already impressed, would have been an abandonment of our rights.

Let us, Mr. Chairman, examine the terms, as they are stated in a letter from the Secretary of State to Mr. Russell, dated the 26th of June, 1812, *eight days only* after the President and Congress had declared war. "If (says Mr. Monroe) the Orders in Council are repealed, and no

'illegal blockades are substituted to them, and 'orders are given to discontinue the impressment 'of seamen from our vessels, and to restore those 'already impressed, there is no reason why hostilities should not immediately cease." Certainly, Mr. Chairman, if Great Britain at once gave up every point for which the war had been declared, the President must have been strangely unreasonable to refuse to suspend hostilities. And yet all this was required by the President's instructions to Mr. Russell! The Orders in Council had been revoked, and no illegal blockades substituted for them. It remained only to restore the seamen (British as well as American, for the instructions make no exception) already impressed, and discontinue the impressment of seamen (British as well as American) from our vessels; and every alleged cause and pretence for declaring the war would have been removed. And what was next to be done? Why the two Governments were to appoint Commissioners to make "definitive arrangements on these and every other difference, by a treaty to be concluded either here or at London." Now the two Governments had been discussing the question of impressments for eight years, (from 1792 to 1800,) and endeavoring to form a treaty on the subject, during the next twelve years, until war was declared, without being able to agree! And yet the President thought fit, as a preliminary step to any further negotiation, to demand of the British Government to abandon the whole subject in controversy during the time that the new negotiations should be going on—which might be for twenty years more on the single question of impressments! But the instructions state, that besides this great point, "there were many just and weighty causes of complaint against Great Britain," to be removed and settled by the proposed treaty. Among these was explicitly mentioned "indemnity for injuries received under the Orders in Council, and other edicts violating our rights"—"for which it was expected that provision would be made in the treaty." Now this indemnity, so confidently expected, had, during former negotiations, been repeatedly urged on the British Government, who apparently considered it so unfounded as hardly to listen to the demand. Yet this, and all the other "weighty causes of complaint," in addition to the hitherto insuperably difficult question of impressment, were to be the subjects of the proposed negotiations; which, considering the spirit and manner of former negotiations on the part of our Administration, might easily be protracted to twice the length of the siege of Troy. In the meantime, whatever number of British seamen resorted to our merchant vessels, they were to be protected by our flag. Such is the true state of the terms offered by the President to the British Government, as the conditions on which alone he would consent to a cessation of arms.

Sir, I consider this offer of an armistice on such impracticable conditions, tendered only eight days after the President and Congress (choosing their own time for it) had declared war, as of a piece



with many former overtures, without any expectation of their acceptance by the British Government; but which, being rejected, would be used as a new topic of popular clamor against Great Britain—increase the resentment of the people, it was hoped—and by rendering the war itself more popular, procure the support necessary for its continuance.

But the honorable Speaker thinks, that to have treated without a previous suspension of impressments, would have been an abandonment of the rights we claim on the subject. What, then, would have been the effect on Great Britain? Her Government is at least as confident of the right to impress British subjects from neutral merchant vessels (and I think I have shown that this confidence is well founded) as our Government is of the right of neutrals to be exempted from such impressments. If, then, the British Government had, as a preliminary to negotiation, restored all impressed seamen, and ordered the entire practice to be discontinued,—this, according to the reasoning used in this case, would have been an abandonment of the British rights. And was it reasonable to make such a demand?

The honorable Speaker, if I understood him correctly, supposed our Government to have given proofs of its desire to obtain peace on terms which the minority themselves would approve; and if the majority should accept less, they would prostrate the honor, dignity, and independence of the country—meaning, I presume, that the entire abolition of impressments would be indispensable to preserve our honor, dignity, and independence. I will put a case: Suppose, what seems likely to happen, that, by the aid of Great Britain, the independence of Holland should be restored, and with that her commerce; and suppose the latter, as formerly, should be spread on the ocean, and that British seamen found on board Dutch merchant vessels, should be impressed and taken from them. Does any gentleman imagine that the States of Holland would consider their sovereignty to have been thereby invaded?

The honorable Speaker mentioned the British strength in their finances, but that their expenses were immense. So likewise are their resources. He remarked that this American war was maintained by Great Britain at a vast expense—double to that of the United States. This, sir, may well be doubted. Just the reverse may be presumed. It has been often said, and I have not heard it contradicted, that the flour furnished to the Western army cost the United States a hundred dollars a barrel, including the enormous expense and waste in the transportation. And two gentlemen, who were in the last Congress, stated to me this striking fact, concerning the forage supplied to that army. A wagon started with forty bushels of corn. The team of horses consumed eighteen bushels in going; the driver reserved eighteen bushels to feed them in returning, and delivered four to the army. It is presumed, then, that this wagon was employed not less than six and thirty days; the hire of which, and the cost of the thirty-six bushels of corn

eaten by the horses, must have amounted to at least two hundred dollars—so the corn delivered to the army cost fifty dollars a bushel! And from all we have heard, unexampled extravagance and waste are exhibited in every scene of this miserable warfare.

The honorable Speaker further remarked, that to Great Britain this war promised neither glory nor profit. And does it promise either to us? And which, from the degree of suffering, will first be weary of it? Another motive, he said, would urge Britain to be at peace with us; to enjoy the benefit of our commerce. And would the renewal of that commerce be less beneficial to us than to her? "But she is engaged in a great cause in Europe;" and therefore must desire peace with the United States. Yes, Britain had been pouring out, and was continuing to pour out rivers of blood and floods of money, to rescue Europe from the grasp of the universal tyrant, and restore independence to the nations. This was, indeed, a great cause; and was this a time to attack her; to press her with the burden of the American war? I leave the question to the reflections of that gentleman and his friends.

The gentleman from Louisiana, (Mr. ROBERTSON,) at the beginning of his observations on the loan bill, spoke of a gentleman, for some years an honorable member of this House, whom he denominated "a distinguished Jacobin of the Eastern States." Sir, after the just vindication of Mr. Quincy's character by one of my colleagues, (Mr. BAYLIES,) little is left for me to add. I well knew Mr. Quincy's father. No man was more zealously and ardently engaged in the measures of resistance to the unconstitutional acts of Great Britain, which preceded the actual war of our Revolution. At the instance of eminent patriots of that day, he undertook a secret embassy to England, to effect objects deemed important to the maintenance of our rights. I, perhaps, was the last of his friends who saw him immediately before he embarked. He went, and was returning, but enfeebled in health. Just as he approached his native land he expired. Honored and gratefully remembered for his pure patriotism, abilities, and virtues, it is the high and laudable ambition of the son to imitate his sire; and, in the same honorable pursuits, to render himself eminently useful to his country.

The expression of Mr. Quincy, repeated by the gentleman from Louisiana, "that the majority could not be kicked into a war," I always regretted. Nor did I approve of an expression which lately fell from my honorable friend from New Jersey, (Mr. STOCKTON,) for whom I entertain a very high respect—"that the Administration had struck their colors;"—because I have always thought that such taunting expressions, by touching the pride and rousing the resentments of the persons addressed, tended to produce mischievous measures, or to defeat good ones, contrary to the sober sentiments and better judgments of those who were so reproached.

But I do not view in the same light, precisely, with my friend from New Jersey, the President's

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acceptance of Lord Castlereagh's overture, to treat on the questions in controversy between the United States and Great Britain. Lord Castlereagh says that the British Government is willing to negotiate and adjust subsisting differences "upon principles of perfect reciprocity, not inconsistent with the established maxims of public law, and with the maritime rights of the British Empire." The President, in answer to this overture, consents to treat, "on conditions of reciprocity consistent with the rights of both parties as sovereign and independent nations." This, to be sure, would seem well enough, if we had not previously known the President's meaning of the words sovereign and independent, as applied by him to the question of impressments. The President holds the opinion, that when a British naval officer enters on board an American merchant vessel on the high seas, to search for and take away native British seamen, the sovereignty, and, of course, the independence, of the United States are thereby violated. Now, as no citizen would consent that the President should, for any consideration, surrender any branch of our sovereignty and independence; and as Great Britain holds to be clear, and will never give up her right so to enter, search for, and take away her own subjects, if the President adheres to his own doctrine, it does not appear very obvious how a satisfactory and lasting peace is to be obtained. A temporary arrangement, indeed, may be made, by which Great Britain may agree to suspend, or discontinue the practice of impressment, if, and so long as the United States shall make provision by law, and in its execution render it effectual, to exclude all British seamen from American vessels. But if no more than this be attainable, (and the nature of the case forbids the expectation that anything more will be attained,) why have so many thousand lives of our citizens, and so many millions of money, been sacrificed in a war for sailors' rights? There has never been a time, I believe, when Great Britain would have rejected such an effectual arrangement. The ready, eager, and sure protection given by the people of the United States to British seamen deserting from British vessels in our ports, furnished, indeed but too much ground of jealousy, that no provision for their apprehension and restoration would prove effectual.

It is much to be regretted, that scarcely any correspondence can take place with the British Government, in which there is not introduced something offensive or calculated to excite, there and here, feelings and passions unfavorable to a fair and amicable adjustment of differences. In the present case, there is in Mr. Monroe's answer to Lord Castlereagh's overture, for a direct negotiation for peace, a representation plainly different from the fact. The British Minister at the Russian Court (Lord Cathcart) having given to the Russian Minister the reasons why the British Government declined treating with the United States, under the mediation of Russia, makes known its readiness to treat with them directly; and adds—"If, through the good offices of his

Imperial Majesty, this proposition should be accepted, the Prince Regent would prefer that the conferences should be held at London," &c. In his answer Mr. Monroe says, that "by this communication it appears," that the Prince Regent having rejected the mediation of Russia, "proposed to treat directly with the United States at Gottenburg or London; and that he had requested the interposition of the good offices of the Emperor in favor of such an arrangement." One motive for using an expression obviously offensive to the British Government seems to have been, to induce the people of the United States to believe that that Government was petitioning for peace; driven to it, to be sure, by the energetic measures of our own!

The gentleman from Louisiana said, that the charge of moral treason had been met with indignant silence; a mode of treatment which, perhaps, would have been the most suitable. I, however, had intended to make some observations on this new doctrine; but having occupied so much of the time of the Committee, I will pass it by. Indeed, I think the observations which have been made by my friends on this side of the House amply sufficient.

The same gentleman said that there was now no indisposition, on the part of the Republicans, to foster a navy. The reason is obvious; the exploits of the Navy have saved the party from sinking. In the actual management of their war nothing else has kept their heads above water. The gentleman sought an apology for the early and long-continued opposite conduct in the party called Republicans, in the fact, that Washington was for some time silent on the subject of a navy. Sir, the reason is plain. When at the commencement of his Administration the Government itself was to be organized, and everything requisite to the exercise of its powers was to be created, matters of indispensable necessity were first to be provided for. But as soon as possible, after the depredations of the Algerines required a naval force to protect our commerce, it was proposed that a naval force should be provided. And what then was the conduct of the same party now calling themselves Republicans? They vehemently resisted the attempt to commence building a navy; and one of the ablest leaders of the party thanked God that the trees necessary for such a navy were then yet standing in the woods. This Republican hostility to a navy (with the exception of individuals of the party) continued down to the projected commencement of the present war. I recollect, that when, on a report of the Secretary of the Navy, five or six years ago, it was proposed to make an appropriation for repairing some of the frigates, which, if omitted for another year, would be hardly worth repairing, a Republican Senator, and a very honest man, who spoke the sentiment of his heart, thus accosted me: "If all our frigates were collected into one bunch, and they were all in flames, and if by spitting I could extinguish the fire, I would not spit!"

But the gentleman from Louisiana said the Ad-

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ministration had kept the Navy in repair, and laid out much money upon it. This, sir, I presume is true. In the first year of Mr. Jefferson's Administration, the corsairs of Tripoli captured some American vessel or vessels. A moderate tribute (much less than was paid to Algiers, and similar to what the maritime Powers of Europe had been in the habit of paying, regularly or irregularly,) would doubtless have satisfied that petty Power. But Mr. Jefferson preferred the application of a naval force. He sent a small squadron into the Mediterranean, with orders (as at the time was understood) to capture the Tripolitan cruisers, to throw their guns overboard, and completely disarm them, and then to let them go home! Mr. Jefferson is a philosopher, and thus philosophically was this war commenced. But Congress had not then authorized a war with Tripoli; and the capturing and disarming of the cruisers was represented as a measure of defence. Yet it would seem reasonable to detain, by way of indemnity for the wrong, as well as to take and disarm the vessel of the aggressor. The next year, Congress passed a law authorizing the equipment of a naval armament, to be sent against Tripoli. Its operations were ineffectual. The next and the next year, additional armaments were equipped; and, finally, in the fifth year of the war, had the gallant Eaton on the land, operating with a force collected in Africa, been seconded by the vigorous co-operation of the Navy, Tripoli, if not completely conquered, would probably have been reduced to terms of submission; and such an issue of the war, as honorable as beneficial to the United States, would have made a deep and lasting impression on all the Barbary Powers, favorable to the security of the commerce of the United States. But this prospect was blasted in a moment. Our ships approached Tripoli, but not to fight. They were under the control of Consul-General Lear, who had powers to negotiate a peace; and after expending \$4,000,000 on the Navy, (as stated by a member of the Senate in his place,) during the Tripolitan war, to avoid paying a small tribute, or liberal presents, peace was ignominiously purchased. Sixty thousand dollars were paid to the reigning Bashaw, to redeem the crew of the Philadelphia frigate (stranded on his coast) who were his prisoners. Such was the result of so many years expensive war with that petty Power!

The gentleman from Louisiana, continuing to speak on the subject of the Navy, said that Mr. Adams had expended above ten millions of dollars upon it; and on the last day of his existence, ordered all the vessels but thirteen to be sold. How much money was expended on the Navy, under the Federal Administration, I do not know. But whatever was expended, under the able and vigorous conduct of the Department by the first Secretary of the Navy, I do not hesitate to say, was well laid out; and he left to his successor ample stores, on which the Department long after subsisted. I remember that in 1807, when, in consequence of the attack on the Chesapeake, an alarm of war was industriously but causelessly

excited, stores of certain kinds were purchased and expenditures made, to the amount of several hundred thousand dollars, without any appropriation; and when application was afterwards made to Congress to sanction the proceeding, by an appropriation, it was stated, on the floor of the Senate, by the brother of the then Naval Secretary, that such ample provision of some important articles had been made by the Federal Administration, that until that time, (and six years had elapsed,) there had been no necessity for making any new purchases. It is true, that all the armed vessels, excepting the thirteen referred to by the gentleman from Louisiana, were ordered to be sold, and the order was perfectly correct. When, in order to protect our commerce against French depredations, Congress authorized the providing, expeditiously, of an armed naval force, it was necessary to purchase of the merchants a number of vessels, the best that could be procured for that service; but these having been constructed for trade and not for war, were not worth retaining, when the emergency which called for them had passed away. And a treaty with France having put an end to hostilities, these original merchant vessels were very properly directed to be sold; while the frigates and other vessels which had been built for war, were directed to be carefully preserved for future use.

The gentleman from Louisiana having undertaken to vindicate the conduct of our Government towards Spain, I beg leave, Mr. Chairman, to make some observations on the subject, without, at this time, going into long details.

At the peace of 1763, between England, France and Spain, the whole country lying between the British Atlantic provinces and the River Mississippi (with the exception of the island of New Orleans) was ceded, or acknowledged to belong, to the King of Great Britain, together with a right freely to navigate the river Mississippi, from its source to the ocean. At the close of our Revolutionary war, the same country, and the same right to navigate the river Mississippi, were ceded to the United States. But Spain possessed the territories on both sides of the river Mississippi, at and towards its mouth; and, commanding the passage, refused the use of it to the United States. At length, however, in October, 1795, a treaty was made with Spain, admitting our claim to the free navigation of the river to the sea; and at the same time, a right was obtained to use the city of New Orleans as a place of deposit for our productions to be exported, and for all our merchandise imported, for the use of the Western States and Territories.

In 1801-2, this free use of the Mississippi, and the right of deposit at New Orleans, were interrupted by the Spanish authority at New Orleans. There was an air of mystery in this affair; for while the Spanish Intendant of commerce caused this interruption, the Spanish Governor, (according to my recollection,) and the Spanish Minister to the United States, were ignorant, or affected to be ignorant, of the cause. But we did not then know that Louisiana had been re-granted by Spain

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to France. This would have solved, as it now solves the mystery. This retrocession of Louisiana by Spain to France was made by the Treaty of St. Ildefonso, on the 1st of October, 1800. But the war with England prevented any attempt to take immediate possession. During this state of suspense, the experiment was made, at the expense of the Spanish faith, on the temper of the United States, and particularly of the Western people, to whom the free navigation of the Mississippi was essential, by interrupting it in the manner I have mentioned. There can be no question that this was done at the instigation of France; and the Prime Minister of Spain (Godoz, Prince of Peace) was the tool of Bonaparte in making the experiment; for Louisiana, including the Isle of Orleans, having been transferred to France, the Spanish Government and nation had no interest, and could have no possible motive to interrupt the navigation of the river, greatly to the injury, and with the certainty of exciting the resentments of the United States. But the interest of France in this outrage is apparent. If the General Government should forbear to vindicate the national rights, the Western people, to whom the navigation of the Mississippi is indispensable, would be left to their own discretion; and they must either attempt to open the navigation by force, or consent to enjoy it on such conditions as could be obtained. The principal condition which France would have offered, was obviously this: That if they would separate themselves from the Atlantic States, they should enjoy, not only the free navigation of the Mississippi, and the right of deposit at New Orleans, but that that city, and all the French ports in America, and in Europe, should be the open markets for their productions and manufactures. And thus straightened, there can be little doubt as to the decision of the Western people; they would have been constrained to have associated themselves with the French power, had it been established in Louisiana.

The peace concluded with Great Britain at Amiens, in the Autumn of 1801, gave to France the opportunity of equipping a naval and military force—and the same was accordingly prepared to take possession of Louisiana. But war between France and Great Britain being on the point of breaking out afresh, the French armament destined for Louisiana was blockaded in the ports of Holland, and the project was abandoned. It was in this crisis, that the French Emperor, wanting money for the renewal of the war, and especially being apprehensive that if Louisiana remained the property of France, Great Britain would take possession of it for herself—he sold the territory to the United States. The British Government, though determined that France should not possess herself of Louisiana, was perfectly satisfied with the transfer of it to the United States. In addition to the evidence of this fact in possession of the Government, I can state that of Mr. Alexander Baring, (now a member of the British House of Commons,) who came to this city in the Autumn of 1803, after the re-

commencement of the war with France, to receive the six per cent. stock, in which eleven millions and a quarter of dollars of the price of Louisiana were to be paid; the house of Barings in London having bargained with agents of the French Government to take that stock in exchange for money to be paid to France. Mr. Baring's marriage and former residence in Philadelphia, had given me an opportunity of forming an acquaintance with him. Conversing on this affair of Louisiana, I asked him if his Government (the British) had no objection to the transaction which furnished so considerable a supply of money to France? Far from it, he answered; and added, that the British Government would itself rather have paid the whole purchase money, than have suffered Louisiana to go into the possession of France.

The treaty for the purchase of Louisiana was concluded on the 30th of April, 1803. It was not till the month of June following, that our Ministers, Chancellor Livingston and Mr. Monroe, appear to have thought that West Florida was comprehended in the purchase; and if it was not in the contemplation of the parties when the treaty was concluded, it could not be justly claimed by the United States. The French Government always denied that West Florida was included in the cession of Louisiana; and as a conclusive proof of the fact, I will refer but to one piece of evidence—the order of the King of Spain to his officers at New Orleans, to deliver possession of Louisiana to France. This order was dated, I think, about the month of October, 1802, some months before the cession of that Territory to the United States was thought of, and when the French Emperor intended to take possession of it for himself. In this order, the King of Spain directs that Louisiana be delivered to France, precisely as by the treaty of 1762 it had been ceded, and was afterwards delivered by France to Spain. Now, by that treaty, nothing was granted by France to Spain, but Louisiana on the western side of the river Mississippi, and the Island of Orleans, which is on the eastern side of the river. And what has since been called West Florida, or so much of it as had belonged to France before the peace of 1763, was then ceded by France to Great Britain, who took and kept possession of it, as well as of the rest of Florida which had been ceded to Great Britain by Spain, until the war of our Revolution; and at the peace of 1783, the Floridas were ceded by Great Britain to Spain. From this short account of the matter, the inference is clear, that the United States have no better title to West than to East Florida; that is, they have no title at all. The gentleman from Louisiana, as an apology, I presume, for the conduct of our Government, spoke of the people living under the Spanish Government, in that country, as in a state of vassalage, in worse than Egyptian bondage; and yet, great numbers of free American citizens had voluntarily quitted the United States, and become Spanish subjects, and afterwards rose in arms against their patrons and benefactors!

The gentleman said that the United States had

done no injury to Spain; and intimated that it was our "sympathy" for her, suffering under the attacks and oppression of the French Emperor, that occasioned the United States to forbear so long to take possession of West Florida. Sir, I have never been able to discover the smallest tokens of sympathy for Spain in the dominant party in the United States—neither in those who have administered our Government, nor among their supporters. On the contrary, every victory, and every advantage gained by the French Emperor in Spain, appeared to be with them a subject of rejoicing. On the other hand, it was regretted by the same party, that the Spaniards had risen in arms and resisted their oppressor, who had treacherously dethroned their King and usurped his Crown. I once witnessed an expression of that regret on the floor of the Senate, because of the effect it would produce in the United States! And what was that expected effect? Obviously of universal sympathy among a people who had taken arms, and endured the evils of a war of seven years, to establish their own independence. It was natural to suppose that such a people would, in their feelings at least, take part with the suffering Spaniards whom the usurper was attempting to bring under his yoke. Had such feelings existed, they would have led the people to execrate the oppressor, while they must have hailed those who flew to the aid of the oppressed; but they were the English, whom the people had been taught to hate, and whose hatred, it was wished, for party purposes, to keep up and aggravate. But whatever was the cause, it is a notorious fact, that the great body of the American people who supported the Administration exhibited no sign of sympathy for the Spanish patriots, nor any wish for their success. Through the treachery of the Spanish Prime Minister, the Prince of Peace, the flower of the Spanish army had been sent to Germany, to aid the French in making or maintaining their conquests in that country; while strong French armies were marched into Spain, and put in possession of some of her strongest fortresses. The Spaniards being thus betrayed and surprised, the French Emperor imposed on them his brother Joseph for their King. It was in this forlorn situation that the Spaniards had the courage to rise and resist the tyrant. And who that really hated tyrants and tyranny could forbear to hail those generous spirits, and bid them God speed? Yet, they were not thus hailed by the majority of Americans! Their chief, (Mr. Jefferson) with the coolest indifference, said it was a mere contest about the Government, to decide whom the Spaniards should have for their King! As if it were a matter of indifference to any nation, whether they should have a chief ruler of their own choice, of a family to which they had long been attached, or one whom a neighboring tyrant would impose on them! But the English had taken the side of the Spanish patriots, and sent an army and supplies to aid them in their gallant struggles to throw off the French yoke. It was then that the French Emperor issued his insulting and blas-

phemous proclamation to the Spaniards: "I will soon (said he) chase from the Peninsula the English army, who have been sent to Spain, not for your aid, but to influence you with a false confidence, and to mislead you." And he thus concludes his proclamation: "But if all my efforts are ineffectual, and if I find you unworthy of my confidence, I will treat you as conquered provinces, and place my brother on another throne. I will put the crown of Spain on my own head; I will be respected even by the worst. For God has given me the power and the disposition necessary to surmount all obstacles!"

The gentleman from Louisiana (as another excuse for the conduct of our Government, in possessing itself of one Spanish province, and for more than contemplating the taking possession of another) said the Spaniards had attempted to corrupt the people of our Western country. Sir, there is reason to believe that this intrigue also, like that for shutting up the Mississippi, originated with the French Government. As early as February, 1797, the American Commissioner, Mr. Ellicott, having arrived at Natchez, was informed that Louisiana was to be ceded by Spain to France. This appears in the journal of Mr. Ellicott, who was employed by the United States to join the Commissioners of Spain, to run the boundary line between the territories of the United States and the Spanish provinces of the Floridas, from the Mississippi to the Atlantic Ocean. For more than a year, the Spanish officers at Natchez and New Orleans interposed delays, on the most frivolous pretences; and contrary to the positive stipulations of the treaty of 1795 with the United States. This conduct of the Spanish officers appeared unaccountable at the time; but suppose only a French intrigue (and Spain, in 1797, was in close alliance with France, and almost absolutely at her devotion) and all difficulty vanishes. (11)

Permit me now, Mr. Chairman, to make a few observations on the transactions in East Florida. Everybody knows that Congress passed a law authorizing the President to take possession of it, in case any other Power should attempt to do it. But no such attempt being made, there could be no pretence, under the act of Congress, for marching troops into East Florida. Yet troops of the United States were marched to the neighborhood of St. Augustine, in some sort beleaguering it a year or more; and certainly by their position, if not actively, countenancing the body of men there calling themselves "patriots," who were in arms against the Spanish Government. Prior to this, however, General Matthews (unquestionably employed by our Administration) had entered East Florida, and with these self-styled patriots (five-sixths of them, as I am informed, inhabitants of Georgia) had taken forcible possession of the Spanish island of Amelia. Here there was a curious coincidence of naval aid, by our gunboats, under the command of Commodore Campbell. I remember seeing a letter with his signature, (as published in the newspapers,) in which, as well as I recollect, in answer to an application

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of the "patriots" for his assistance, he expressed a sentiment of this kind—"that, although he had no orders from his Government, he would be always ready to render his aid in the cause of liberty." Mentioning this letter to the gentleman from Charleston, to whom I have once before alluded, and who is known to the honorable Speaker, and expressing my opinion that no officer of the United States would dare to carry his arms against the territory of a nation with whom we were at peace, without some kind of authority from the Government to countenance the act; remarking, too, that a law existed making it highly penal for any citizen of the United States to form such an expedition; the gentleman from Charleston answered to this effect: "Perhaps Commodore Campbell's letter from the Government was like the one received, at that time, relating to the East Florida business, by Lieutenant Gadsden, who then commanded a small armed vessel of the United States at Charleston. Lieutenant Gadsden, not knowing what construction to put upon the letter, carried it to the district attorney of the United States, a gentleman well known for his legal talents. The district attorney, having read it, told Lieutenant Gadsden that if he should go with his vessel to East Florida his orders would justify him; and if he did not go, they would also justify him!"

In addition to all this, sir, I have received information on which I rely, that General Matthews, when on his way to East Florida, received about ten thousand dollars on account of the United States at Charleston, and additional sums at Savannah, to enable him to prosecute the revolution and invasion of that province. Further still, sir, I can positively assert, that besides these operations on the Atlantic coast, it was intended to take possession of Pensacola; and that, for this purpose, Colonel Hawkins, the United States' agent with the Creek nation, was desired to obtain their permission to march the troops through their country. (12) And yet the gentleman from Louisiana has told us, that our Government had no disposition to do any injury to Spain! But as injuries, and serious ones, too, apparent to all the world, had been committed against Spain, in the unwarrantable acts of our Government in relation to the Floridas, it was necessary to find some apology for them; and hence the mention of the depredations committed by the armed vessels of Spain on our commerce, to the amount of some millions of dollars, for which no indemnity has yet been paid. I have already explained this matter, and shown it to have arisen from an act of our own Government, in coupling with this demand another for indemnity for French spoliations consummated in Spanish ports, but for which, in the actual state of things at the time, Spain was not, in equity, responsible; the power of France being then ascendant, and controlling all Spanish measures.

The gentleman from Louisiana suffered his imagination to be alarmed with the idea of a possible invasion of the United States by Great Britain, who, he said, might subsidize Hessians,

Brunswickers, and Russians. Sir, the British Government is too wise to think of so idle a project, as an invasion for the purpose of holding any part of the United States. And were we even to make her a tender of our independence, again to become her colonies, she would not accept the offer. She knows, as every man must know, that with our rapidly increasing population, which in the lapse of a few years will equal her own, we could not long be kept in subjection; and hence would appear the folly of accepting it if tendered. In respect to the United States, Great Britain desires only peace and liberal commerce, which she well knows how to appreciate, but which blessings at this time are of immensely greater importance to us than to her.

The gentleman from Georgia, (Mr. FORSYTH,) in mentioning the opposition of the minority to the loan bill, and other war measures, ascribed it to their "malignant prejudice."

[Mr. FORSYTH rose to explain, and said he did not mean to comprehend generally the party in opposition to the Government, but some only, or a few.]

Well, sir, I do not see that I am excepted in this explanation. The gentleman's remark having been made in this House, must be considered as applicable to some at least of its members. But, sir, my character is not to be affected by any such charges; for (and slandered as I have been, I trust I shall be excused for saying) it stands on the rock of integrity and truth, and not all the powers of Democracy and Hell can shake it.

"Unhallowed ambition (said the gentleman) sits upon their bosom, stifling reason, and subduing the better feelings of the heart!" And then in the language, but not with the tone of lamentation and regret, added—"They must die in their sins—unannointed and unannealed!" Sir, to this gentleman, and to all others who hold the same sentiments, I will content myself with applying the words of Job to his upbraiding friends—"No doubt ye are the men, and wisdom shall die with you."

The gentleman's colleague, (Mr. CUTHBERT,) who spoke before him, and who has so lately taken a seat in this House that I had not seen him before, rose and spoke on the same side of the question; and with extreme vehemence—with apparent fire and fury—but on taking a chair nearer to him I found that, in the midst of the storm, his face wore a benignant smile. This gentleman, (Mr. C.) candidly uttered a truth more important than any I have heard from the same side of the House. He said, "Great Britain has rescued the nations of Europe." Yes, sir, when those nations had been subdued, or awed into submission by the power of France, Britain, undismayed, persevered in her mighty efforts to restore them to their independence; and in the glorious result has proved herself to have been justly entitled "*The world's last hope.*"

But the gentleman from Georgia, to whom I have repeatedly alluded, (Mr. FORSYTH,) said that Great Britain was not fighting for the liberties of the world; that we erred in ascribing to



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her the safety of nations—and asked, what influence had the mighty navy of Great Britain in deciding the battle of Moscow? What in gaining the victory of the allies at Leipsic? Sir, if I had heard these questions asked anywhere but on the floor of this House, I should have said they were very shallow questions. The British fleet, it is true, could not sail on the plains of Moscow, nor navigate a branch of the river Elbe at Leipsic. But when the nations of the Continent had sunk under the arms of France, Britain, fighting for her existence, successfully maintained the combat. She did much more. With her fleets commanding on the seas she transported her armies to Portugal—encouraged and taught her inhabitants to fight, and, with their united force, defeated and expelled the armies of France. Portugal redeemed, the British and Portuguese entered Spain, uniting theirs with the Spanish arms, to deliver that country also from the yoke of France; and this, too, after years of hard fighting, has been accomplished; the fleets of Britain all the time transporting strong reinforcements of troops, and stores of all kinds, alike indispensable and immense, for such great and long continued operations. The fleets of Britain also, still commanding on the seas, compelled her enemy to transport slowly and expensively, by land, everything requisite for his projected conquest of Russia, and the maintenance and relief of the fortified places accessible by water. But still further—the fleets of Britain gave scope for the exercise of the unconquerable spirit and the energies of her people in those great enterprises, which, by their example and effects, kept alive, or rekindled in the nations of Europe, the spirit to resist, and finally to overthrow the universal tyrant.

The same gentleman asked, for what were the Spanish patriots contending? And he answered, it was to determine who should be their master, Bonaparte or Bourbon; adding, that to us it was immaterial whether Joseph or Ferdinand ruled Spain. And was it indeed a matter of indifference to us and to the world, whether Bonaparte added another kingdom to his European dominions, and that kingdom Spain, with her immense territories and resources in both the Indies? For who does not know that, with his brother Joseph on the Spanish throne, the French Emperor would have commanded him and all his subjects?

The same gentleman from Georgia also asked, whether the minority did not expect that indemnities would have been demanded of France, for all the injuries we had sustained from the execution of the Berlin and Milan decrees? And then affirmed that such indemnities would have been demanded, although the eagles of Bonaparte had been erected on the walls of Moscow! So, sir, in the words of the poet, often quoted, you may "call up spirits from the vasty deep"—but will they come when called? Sir, the President himself, who has so often mentioned the just expectations—the authorized expectations—of such indemnities, cannot expect any will be obtained. General Armstrong, when our Minister in France, having in a letter to Mr. Madison mentioned the

enormous spoliation of American property, particularly, I think, under the Rambouillet decree, declared, "that their very magnitude forbade all hope of restoration." Sir, there is not a member of this House, that sets any value on his reputation as a man of sense, who will expose himself to ridicule, by saying that he expects France will give indemnities for her immense depredations on our commerce—which amount to at least thirty millions of dollars. Mr. Chairman I will notice but one thing more which fell from the gentleman from Georgia: He said he would continue the war an hundred years, rather than subject American seamen to impressment! Sir, without questioning the profound wisdom of this sentiment, I will barely remark, that were the war to be continued but for a small portion only of that period, we should have neither ships nor seamen; a consummation, as I have before observed, undoubtedly corresponding with the wishes of Mr. Jefferson and his genuine disciples.

Mr. Chairman, in the course of the debates on the Loan bill, some gentleman spoke of the Russian mediation, on which I had publicly written, stating that the Russian Minister, Mr. Daschkoff, had made an offer of it without orders from his Government; whereas it now appeared, from the documents lately communicated by the President, that Mr. Daschkoff was instructed to offer the mediation of his master, the Emperor Alexander, to effect a peace between the United States and Great Britain; and the gentleman expressed his expectation that my candor would induce me to acknowledge I had been in an error. Sir, I shall never hesitate, on proper evidence, to confess an error; but in this case I have nothing to retract. I publicly announced, that my whole statement rested on the information I had received—but received from a gentleman on whose correctness I relied. And, sir, I still think the reliance was just. I entertain no doubt that a verbal offer was made without instructions, and rejected. The gentleman's information, as I stated it, came down to the 6th of March, 1813; to which Mr. Daschkoff had received no instructions. And within a few days I have learnt, very accidentally, though from an authentic source, that it was on the same 6th of March, and I understand on the evening of that day, the despatches, containing Mr. Daschkoff's instructions, came to his hands; and on the 8th of March he tendered the mediation in a letter to the Secretary of State.

Here, sir, give me leave to notice the advantage attempted to be taken by different gentlemen, of one expression in Mr. Daschkoff's letter, to justify our Government in declaring war. Mr. Daschkoff says—"His Majesty, who takes pleasure in doing justice to the wisdom of the Government of the United States of America, is convinced that it has done all that it could do to prevent this rupture." If, sir, such a sentiment be expressed in Mr. Daschkoff's instructions from his Government, it must be viewed as one of those diplomatic compliments which mean nothing; and which, if taken seriously by any diplomatist of any experience, would render him

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ridiculous. And unquestionably an equal compliment, whatever it might be, was paid to the British as to the American Government. But certainly the Russian Government could not have expected that either would have been published to the world. And if we suppose the sentiment was expressed to the American Government, exclusively, we must also suppose that the Emperor Alexander was willing to charge the Government of his distinguished ally, Great Britain, with a conduct directly opposite to that of the American Government; that is, as persisting in claims unreasonable and unjust—a supposition not easily to be admitted, because the imputation is grossly affrontive to Great Britain. But, after all, (as drowning men will catch at straws,) of what value is the sentiment, if really expressed in Mr. Daschkoff's instructions? What does the Emperor Alexander know of the merits of the controversy, which, for so many years, has been kept up between our own and the British Government? Who can be weak enough to imagine, that, amidst the cares of his vast empire, he has spent any time in examining the many volumes of letters and other documents which have been written and published on this subject? The number even of American citizens who have read them, with the critical attention requisite to the forming of a correct opinion, is very small; nor is it credible that the Russian Minister of State, Count Romanzow, was sufficiently acquainted with the controversy to have pronounced such a definitive opinion. And, therefore, if he did entertain that opinion, it must have been formed on the information given him on one side of the question by Mr. Adams; a circumstance, if true, that would show how ill qualified was the Russian Minister of State to act, in the name of the Emperor, the part of a mediator. The case was simply this: The Emperor knew that war had taken place between the United States and Great Britain, and was solicitous to effect a reconciliation, because he wished for the uninterrupted and undiminished aid of his great ally, in the common cause of Europe, against the dangerous power of France; and at the same time that his subjects, who had been long suffering under the French Emperor's continental system, might enjoy all the benefits of a free communication with the United States.

By the papers communicated about the Russian mediation, it appears that the British Minister at St. Petersburg offered to give a passport to an American vessel, to proceed to the United States with the despatches of Mr. Adams, and those of the Russian Government containing the offer of its mediation, provided the vessel should touch in England; a condition with which, Mr. Adams says, "he did not think it suitable to comply." Why it was not suitable is not intimated. Had the vessel been despatched, and touched in England, she might have brought with her the decision of the British Government, not to accept the mediation, and thus have prevented the useless mission to Russia, and the delay, for near a year, of measures for a direct negotiation to put

an end to the war, if that was really desired. There are many other topics, Mr. Chairman, which have been introduced into this debate, and which I intended to notice; but, weary of the subject, I shall pass them by, and conclude with a few observations on the Army and Navy of the United States, as employed in the present war.

In the debate on the bill for filling the ranks of the Army, in order to continue the war, one reason assigned, was, "to redeem the military character of the country." Sir, I do not think it needs redemption; I mean, that I do not think our country disgraced. The like materials for an army exist as in the time of our Revolutionary war. But, soldiers are not formed in a day. New officers and new men require much and long instruction. Soldiers taken from the tranquil walks of civil life must pass through a course of strict discipline, and be gradually inured to dangers, to acquire the steadiness necessary to meet, on equal terms, the regular troops of an enemy. The uniform exercise of the musket is the easiest part that soldiers have to learn. To march, to wheel, to change their positions as the scenes of action change, and yet preserve their order, are the difficult parts of duty. If without such essential preparation our troops have been led into action, disasters were to have been expected.

Entirely different is our Naval war. There, both officers and men have already learnt to march on the mountain wave, and their minds are familiar with danger—with the perils of storms and tempests—that would appal the hearts of landmen. They are also, as seamen, perfectly skilled in all the movements and manœuvres rendered necessary by changes of the wind or the conduct of the enemy; and nearly all they want besides, at the breaking out of war, is to learn the exercise of cannon—a work of ten or fifteen days. Hence it was, that very early after the commencement of the war of our Revolution, our armed vessels met those of the enemy on equal terms, reckoning man for man, and gun for gun. And, for myself, I wanted no new proofs of our ability to meet an equal enemy on the seas. That, in the encounters which have happened in the present war, a superiority has appeared on the side of the American armed vessels, is not surprising, when it is considered, that by the war, nearly all our seamen were thrown out of employment—the declaration of war having put an end to our fisheries, and almost annihilated our mercantile navigation—whence it happened that our naval officers had it in their power to man their vessels with a superior class of sailors. The enemy, on the other hand, manning thousands of merchant vessels, and many hundred vessels of war, had their choice of seamen lessened. For a long time, too, they had been almost without an enemy on the ocean; and their only enemy there, they had been accustomed almost uniformly to beat, and consequently to despise. Hence, they had grown over-confident and careless—circumstances which, even when the forces should be equal, could hardly fail to produce defeat and disgrace. (13)

*Notes by Mr. Pickering.*

(1) The blockade from the river Elbe to Brest.

On the 16th of May, 1806, the British Government issued an order declaring the coast, rivers, and ports, from the river Elbe to the port of Brest, to be in a state of blockade. The practicability of such a blockade has been denied by our Government; but, since nearly the whole of our own coast, of much greater extent, has been actually blockaded by the British, the practicability of the former ought no longer to be doubted. It is notorious, that if one of our merchant vessels, and even our public armed vessels, got out or in, without encountering the British ships, it is for the most part owing to their superior sailing. But the fact is, and our Government well knew that by the order of the 16th of May, it was the intention of the British Government to open, not to shut, the ports from Elbe to Brest, (excepting a small part of them from Ostend to the river Seine, already in a state of strict and rigorous blockade,) so as to allow neutrals to carry on what has been called the colonial trade with those ports. This was clearly the intention of the British Government by the terms of the order itself; and so Mr. Monroe understood it. In his letter of May 17, 1806, to Mr. Madison, he says:

"Early this morning, I received from Mr. Fox a note, a copy of which is enclosed, which you will perceive embraces explicitly a principal subject depending between our Governments, though in rather a singular mode. The note is couched in terms of restraint, and professes to extend the blockade further than was heretofore done; nevertheless, it takes it from many ports already blockaded; indeed, from all east of Ostend and west of the Seine, except in articles contraband of war and enemies' property, which are seizable without a blockade. And, in like form of exception, considering every enemy as one Power, it admits the trade of neutrals, within the same limit, to be free, in the productions of enemies' colonies, in every but the direct route between the colony and the parent country."

With this, not only Mr. Monroe, but our Administration appeared satisfied, until, for the purpose of criminating Great Britain and favoring France, it was made a subject of complaint against the former, and offered as an apology for the latter in issuing the Berlin decree.

(2) Mr. Madison's letter of May 22, 1807, to General Armstrong, in Paris. After mentioning the necessity of orders to French cruisers, to prevent their capturing our vessels, according to the tenor of the Berlin decree, Mr. Madison adds—"There are proofs that the West India privateers have, under color of the edict, committed depredations which will constitute just claims of redress from their Government."

(3) The marine ordinance of France, issued by Louis XIV, in 1794, in amelioration of former rules, and re-enacted by Louis XV in 1744, with some alterations to conform the ordinance to certain treaties, contains the following regulation:

"Article VI. Vessels belonging to subjects of neutral States, which shall depart from the ports of a State the enemy of His Majesty, and there have taken their lading, in whole or in part, to go to the States of any other Prince than their own, whether allied to His Majesty, neutral, or enemy, may be stopped and brought into his kingdom, and shall be declared good prize with their lading, even although laden on account of the subjects of His Majesty, or of an allied or neutral State."

(4) Such an arming, vigorously conducted, for the protection of our commerce, would have saved thirty millions of dollars in property, belonging to our merchants, seized, taken, and confiscated by the French Emperor and his allies subsequent to his Berlin decree. And, by such resistance, we should also have prevented the issuing of the British Orders in Council of November, 1807; under the operation of which, vessels and merchandise to a large amount have been lost to our merchants.

In February, 1811, I requested the late Thomas Fitzsimons, Esq., of Philadelphia, one of the best informed merchants in the United States, to give me his opinion of the amount of losses sustained by the citizens of the United States from French captures, seizures, and confiscations. He answered, "I think the amount would exceed fifty millions of dollars." Then mentioning the treaty concluded with France on the 30th of September, 1800, (Bonaparte then First Consul,) in which all claims of our merchants for spoliation on their commerce, up to that time, were relinquished, Mr. Fitzsimons says, "the universal opinion was that the treaty abandoned claims for unjust captures to the amount of twenty millions of dollars." He then adds, "The late seizures in Italy, Holland, Antwerp, &c., (all places under the control of the French Emperor,) and the late reprisals, as they are called, (under the Emperor's peculiarly iniquitous Rambouillet decree,) certainly exceed thirty millions, independently of the property now in jeopardy in the North of Europe."

The above mentioned claims were abandoned, because there was hardly a distant hope that the French Government would ever pay to our citizens the twenty millions of dollars, of which, in the captures of their vessels and merchandise, they had been despoiled by French cruisers; and because, in consideration of that abandonment, the French Government renounced its pretensions to have the old treaties revived, especially the entangling treaty of alliance.

As to losses sustained by our merchants attempting to carry on trade with France, and her allies and dependencies, in contravention of British regulations, Mr. Fitzsimons says, "It may not be useless to add here, that, as respects British captures, they were very large in amount; but, that above four-fifths of the condemnations made in the vice-admiralty courts were reversed upon the appeals. Nevertheless, owing to the sacrifice by sales of the property, and the exorbitant charges of the officers, the recoveries seldom exceeded one half of the actual value."

(5) It is in a case of this kind that the opinion of the celebrated Bynkershoek, on maritime law, may be introduced. He says, "But if we take for our guide Nature, that great teacher of the law of nations, we shall find that everything is lawful against an enemy as such." If ever this principle was applicable, in its most extensive sense, it was in the actual forlorn situation of Great Britain, and the hopeless condition of the Continent, at the time here referred to.

(6) The grounds on which these Orders in Council were issued, are stated, in their preamble, to be the establishing of an unprecedented system of warfare against Great Britain, and aimed especially at the destruction of her commerce and resources, by the Berlin decree, which declared the British islands to be in a state of blockade; thereby subjecting to capture and condemnation all vessels, with their cargoes, which should continue to trade with the British dominions;

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and prohibiting all trading in English merchandise, which, whether coming from her colonies or manufactures, was declared lawful prize. That the nations in alliance with France, and under her control, were required to give, and had given, and continued to give, effect to that decree; that the Order in Council, of January 7, 1807, was issued either to compel the revocation of the Berlin decree, or to induce neutral nations to interpose with effect to obtain its revocation; but which, on the contrary, had then been recently enforced with great rigor; and that, under these circumstances, the British Government found itself compelled to take further measures for asserting and vindicating the rights of Great Britain, and supporting her maritime power; the maintenance of which was not more "essential to the safety and prosperity of her dominions, than it was to the protection of such States as still retained their independence, and to the general intercourse and happiness of mankind."

Then followed the Orders in Council of November 11, 1807, declaring that "all the ports of France and her allies, or of any other country at war with His Majesty, and all other ports or places in Europe, from which, although not at war with His Majesty, the British flag was excluded, and all ports or places in the colonies, belonging to His Majesty's enemies," should be subject to the restrictions of the most rigorous blockade. But the orders proceed to state, that although His Majesty would be fully justified, by the circumstances above recited, to establish such a system of rigorous blockade, "yet, being desirous not to subject neutrals to any greater inconvenience than was inseparable from his determination to counteract the designs of his enemies, and to retort upon them the consequences of their own violence and injustice;" and being yet willing to hope that "it might be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply; and even to leave open, for the present, such trade with His Majesty's enemies as should be carried on directly with the ports of His Majesty's dominions, or of his allies, in the manner thereafter mentioned:" Therefore, such trade of neutrals with enemy colonies was permitted, so far as regarded articles for their own consumption; and also, in the manner prescribed, they might trade with the enemies of Great Britain, on the payment of certain duties required on the importation into Great Britain of goods destined for the territories of her enemies, and countries under their control, and executing the Berlin decree against Great Britain. These are the duties to which the name of "tribute" has been given—a name selected in order to render Great Britain and her orders the more odious; seeing one nation really under tribute to another, must be considered as dependent and degraded. The true state of the case is simply this: If in the actual state of the world, in 1807, when the French Emperor had subverted the whole law of nations, and, in effect, reduced the small number of nations remaining free from his yoke to a state of nature, in which reason, and not ancient rules, was to be resorted to for direction: if, under such circumstances, Great Britain was justifiable (as many citizens, to whom I have before referred, believed, and, as I think, on solid grounds) in absolutely interdicting all commerce of neutrals with her enemies and their associates—then, if she was willing to relax her system founded on rigid right, in favor of neutral commerce, she had a right to prescribe the

conditions under which it should be carried on—whether by the payment of duties, or otherwise. And it would seem that, by demanding such duties, Great Britain expected to receive an equivalent for the benefits which her enemies would derive from the trade of neutrals.

(7) The Rambouillet decree of the French Emperor was distinguished for its unexampled iniquity. On the first of March, 1809, Congress passed the non-intercourse law, which so far repealed the embargo law as to permit the departure of our merchant vessels with their cargoes to all countries, excepting Great Britain and France, and their colonies and dependencies, or places in the actual possession of either. This non-intercourse law was to expire, by its own limitation, at the end of the next session of Congress; and, by a law previously passed, the next meeting of Congress had been fixed for the fourth Monday in May, 1809.

This law was published in the American newspapers, which, of course, went to France, and an official copy of it was delivered by General Armstrong, "with sufficient promptitude" (as he has stated) to the French Government. A whole year elapsed without any known complaint against the non-intercourse law. In that time American vessels with rich cargoes resorted to the ports of Holland, Spain, Italy, and Naples; countries which our own Government chose to consider as independent, although known to be the real "dependencies" of France; some of the ports in Spain excepted, which the patriot Spaniards, by the effectual aid of British forces, had rescued from her grasp.

In this state of things, with such vast American property within his reach, the French Emperor, on the 23d of March, 1810, issued his decree at Rambouillet, ordering to be seized and sold all American vessels and their cargoes which had entered, or should enter the ports of France and her dependencies after the 20th of May, 1809. And the French Minister, the Duke of Cadore, declared to General Armstrong that this decree was an act of reprisal for the non-intercourse law, which prohibited the entrance of French vessels and French merchandise into the ports of the United States after the 20th of May, 1809. But the entrance of British vessels and British merchandise was in the same manner forbidden; yet the British Government acquiesced. Our own Government intended, unquestionably, to favor France, by permitting American vessels to carry cargoes of merchandises really wanted by her to the ports of Holland, Spain, Italy, and Naples, from some of which ports their conveyance to France would be easy; and all those countries, Spain excepted, being then under the perfect control of Bonaparte, might justly be considered as parts of the French Empire. Yet this very distinction between France and those dependent countries, gratuitously made by our own Government in favor of France, the Emperor affected to resent, and to consider as another reason for seizing and confiscating American property.

But this Rambouillet decree, and its execution, are stamped with marks of singular atrocity. It was not issued until near nine months after the non-intercourse law had expired; and was not made known until the 14th of May, 1810, when it was published in French newspapers, (which appeared to be the first notice of it obtained by our Minister in Paris) and carried into immediate execution.

(8) Oppression often takes place, not as the result of a system of government, but of the perverse disposition of individual officers. The passage quoted from

my letter of September 10, 1796, to Mr. King, has reference to the conduct of Admiral Sir Hyde Parker, at Jamaica. His predecessor on that station allowed to the American agent there the means of liberating American seamen, by legal process, in which their citizenship was ascertained, and such were discharged. Sir Hyde Parker, succeeding to the command, forbade his officers to submit to the process. His morose temper was felt by his fellow-subjects, the British sailors, who therefore gave him the name of Vinegar Parker. In the present war, in our own country, we have frequent accounts of oppression and outrage exercised on our citizens by men bearing commissions under the authority of the United States; yet no one imputes such wrongs to the Government. But such highly reprehensible conduct as that of Sir Hyde Parker, was probably not repeated by any other commanding officer. And for some years before the war was declared the injunctions of the royal proclamation (of the 16th of October, 1807) were no doubt generally observed.

(9) Mr. Madison himself has always admitted the right of Great Britain to impress her own subjects from American merchant vessels, when these were in British ports. And the instructions written by him, by the direction of Mr. Jefferson, for the negotiations with Great Britain on the subject of impressments, uniformly concede this point.

(10) The remarks relative to the rule of 1756, are connected with the observation of the gentleman from State of South Carolina, (Mr. Calhoun,) "that the English Court of Admiralty formerly regulated its decisions by the law of nations; but latterly by the orders of its Government." To this it may be answered—that the law of nations is still avowed to be the rule by which the adjudications of that court are directed. But it will be said—"Its rules of decision vary, at one time and another, in cases of the same kind, in obedience to the orders of the Government." The question then occurs, whether those orders are, or are not conformable to the law of nations? Under some circumstances a Government may insist on the exercise of its *extreme rights*, within the limits of public law, and in other circumstances, relax from such rigid adherence to them; and again from the latter state recur to the former. These remarks seem applicable to the changes in the British Admiralty decisions of which we complain. For a time, the rigor of the rule of 1756 was relaxed; and then again braced up to a stricter construction of the rule. If in any case this was done, without reasonable notice to neutrals of the change, it was, like all the decrees of the French Emperor for capturing and seizing neutral property, highly reprehensible and unjust. What has been the fact, I am not sufficiently informed to express an opinion.

(11) The Spanish officers continued to throw obstacles in the way of running the boundary line, from February, 1797, to the Summer of 1798; and nothing but Mr. Ellicott's resolute conduct, and his actually commencing the work, without waiting any longer for the Spanish agents, prevented further procrastination.

(12) My information (in addition to what the newspapers furnished) was derived from the letter of a gentleman whom I have long known, and whose observation, discernment, and accuracy, entitle him to full confidence. On the 17th of May, 1812, he wrote to me as follows: "When General Matthews went on to the southward last Summer, to revolutionize East Florida, he drew from the bank in Charleston about twenty

thousand dollars, on account of the Government of the United States. Considerable sums have since been drawn, on the same account, from the custom-house in Savannah. The secret was so badly kept, that the whole country through which General Matthews and his coadjutor, Colonel Isaacs, passed, were apprized of the design; and that this public money, so drawn, was for the purpose above stated. But, sir, East Florida was not the sole object in contemplation. Colonel Hawkins, one of our agents for Indian affairs, was applied to by General Matthews and Colonel Isaacs, to negotiate a passage for their army (so called) through the Creek nation, for the express purpose of attacking and taking possession of the city of Pensacola, after the fall of St. Augustine, which was considered as certain. In consequence of this request from General Matthews and Colonel Isaacs, Colonel Hawkins negotiated with the chiefs of the Creek nation the passage of this army of patriots through their country."

(13) Several gentlemen who spoke in the debate on the Loan bill, having noticed some parts of the preceding speech, it was intended to offer a brief reply, chiefly for the purpose of correcting some material errors in facts into which, through want of information, they had fallen. But, a perversion of what is called the "previous question," (whose legitimate use is to prevent a decision of the main question, when circumstances should render any decision inexpedient, but the perverse use of which compels the immediate decision of the main question,) this "previous question" having stopped all further debate, Mr. Pickering is constrained to offer a few observations, by way of reply, in this note.

A gentleman from Virginia (Mr. Eppes) glanced at many topics, serving for declamation; but generally touching only their surface, no answer is necessary. What seemed most to have roused his feelings, was the statement made by Mr. P. relative to the embargo of December, 1807, enacted on the recommendation of Mr. Jefferson, which was demonstrated to be a gross imposture, but which, by the deception practised on the people, induced their acquiescence in the measure for above fourteen months, by which a general stagnation of this commerce was effected, to the ruin of some, to the grievous damage of multitudes, and to the general injury of the country. Mr. P. also stated the great extent of the commerce which might have been enjoyed, notwithstanding the French decrees and the British Orders in Council, if the embargo had not been imposed; and he showed, on the statement and opinions of eminent merchants, whose practical knowledge enabled them to form the most correct judgments, that, but for the embargo, the United States could have continued to carry on a commerce at least as extensive as they would enjoy in a time of peace, when the European nations should carry on their own commerce, and, as usual, monopolize that with their own colonies.\*

\* In committing the preceding speech of Mr. P. to writing, for the press, the statement and opinions here referred to were overlooked. They were as follows:

If the French decree of Berlin had been resisted, by interdicting the commerce of our citizens with France and her dependencies; or, if our Government had treated that decree with total disregard, and, instead of the embargo, had suffered our merchants to pursue their commerce according to their own practical, and therefore safe, modes; then their trade with the British dominions—of more value to them, all things considered, than any and all other commerce—and with the other parts of the world—the dominions and dependencies of France excepted—would have stood thus, according to the Treasury report for the year preceding the embargo—that is, from September 30, 1806, to September 30, 1807:

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The gentleman from Virginia, (Mr. Eppes,) instead of attempting himself to controvert the facts or arguments of Mr. P.—which indeed no ingenuity can invalidate—prudently resorted to a speech delivered by Mr. Giles in the Senate, in answer to Mr. P. in that body, five years ago, when a proposition for repealing the embargo law brought the same facts and views under examination. And as they were in their nature too stubborn and too clear to be overthrown and changed, they could be met only by confident assertions and ingenious colorings, accompanied by repeated intimations that they were the offspring of Mr. P.'s angry passions. Of this kind were the passages in Mr. Giles's speech, selected and read by the gentleman from Virginia; while any person who should compare those speeches would find one free from passion, and the other marked with resentment, in almost every sentence, relating to Mr. P., and for an obvious reason—his clear and pointed detection of that embargo imposture.

The gentleman from Virginia (Mr. Eppes) attempted to justify the war for "sailors' rights," by a resolution of the Senate on the 14th of April, 1806, relating to impressments and commerce, for which Mr. P. and other Federal members of the Senate had voted. The gentleman first read from the Senate Journal the motion to strike out the following words in the resolution reported: "Demand and insist upon the restoration of the property of their citizens captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by those captures and condemnations"—which was determined in the negative, yeas 13, nays 16. Among the negatives are the names of Adams, Bayard, Hillhouse, Pickering, Tracy, White. But the word *insist*, every one knows, does not mean an irrevocable perseverance in a demand; much less, that, if the opponent refuses to yield what is insisted on, war should be made to enforce it. The two Houses of Congress often *insist* on their positions or amendments in bills, the consequence of which is a *conference*, when they generally agree—one or the other House giving way, or taking together some middle ground. But, on fur-

Domestic exports	\$36,109,991
Exports of foreign merchandise first brought into the United States	24,140,495
Making together	\$60,250,486
To which add, for specie exported to India and China, as not appearing in the Treasury reports, estimated at	6,000,000
Making together	\$66,250,486

Amounting to more than sixty-six millions of dollars.

What, in time of profound peace, would be the amount of our whole foreign trade, was thus estimated by an eminent merchant, extensively engaged in it:

Domestic exports	\$48,699,592
To China and India, in specie	6,000,000
Making together	\$54,699,592
Less in peace than was practicable in the war existing at the time the embargo was laid	11,550,994
Making together	\$66,250,486

The exports of foreign merchandise, first imported into the United States, would be so trifling, in time of peace, as to be not worth considering, in forming the estimate of our peace trade. An evidence of this, and of the general correctness of the above statements, appears from a view of our trade in the short space of eighteen or twenty months immediately succeeding the Treaty of Amiens, in 1801; during which, the exports from the United States fell from \$93,000,512 to \$35,800,033—showing a diminution of above thirty-seven millions of dollars:

ther discussion, the word *insist* was stricken out; and the resolution as adopted by the Senate—23 yeas to 7 nays, (Mr. P. voting for it)—was as follows:

"Resolved, That the President of the United States be requested to demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British Government, on this and all other differences subsisting between the two nations—and particularly respecting the impressment of American seamen—as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled."

This resolution the gentleman seemed inclined to wield against Mr. P., as if it were the club of Hercules, to lay him prostrate at one blow, while, for the purpose the gentleman had in view, it is but a straw in the hands of—not a Hercules. The resolution amounts to no more than this: The Senate advised Mr. Jefferson to make demands on the British Government, relative to certain questions in dispute between Great Britain and the United States. These, it was known, would be met by opposite demands on the part of that Government; and, in order to settle the points in controversy, Mr. Jefferson was advised to enter into suitable arrangements, and by *amicable negotiation* to obtain that justice to which we were entitled. And what is there in all this to give the slightest countenance to the violent measures, and war, to which the Government has had recourse? Nothing.

The gentleman from Virginia having entered the lists to vindicate Mr. Jefferson on the subject of the embargo, proceeded to pronounce his eulogy; as though former deeds, however good, (if such had been done,) would sanction or atone for subsequent bad ones. He rested his eulogy on two grounds—one, that "Mr. Jefferson was the first who taught that man was responsible to God alone for his religious opinions!" This assertion will excite surprise, only because it proves the gentleman's total want of information on the subject. To say nothing of what had been written, proving that point, with the force of demonstration, by the great Mr. Locke, half a century before Mr. Jefferson was born, liberty of conscience, or the right of every individual to think for himself in matters of religion had been practically established before our Revolution in all the British dominions, with some civil disabilities, indeed, in the parts of those dominions where a particular form of public worship had been established by law; but, in a more liberal or absolute sense, in several of the colonies, particularly in Pennsylvania, from its first settlement, a hundred and thirty years ago. But, perhaps the gentleman meant to say, that Mr. Jefferson was the first to propose and to procure the adoption of a law in Virginia abolishing every establishment and provision for the support of the public worship of God; followed by the selling even of the glebe or parsonage lands which the early inhabitants had set apart towards the maintenance of the ministers of religion. But Rhode Island also had been at least equally free with Pennsylvania from any religious establishment, from the foundation of the colony, a hundred and seventy or eighty years ago. Mr. P. however is ready to admit,



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that Mr. Jefferson may have been the first to teach the doctrine, that it was immaterial to the order of society, whether a man believed in "twenty gods or no god;" "because," says Mr. Jefferson, "it neither picks my pocket nor breaks my leg!"\* Of this *discovery*, Mr. Jefferson will probably continue to enjoy the exclusive honor.†

The other ground of the gentleman's eulogy was, that Mr. Jefferson was "the man who drew the Declaration of Independence." This, among his partisans, has been a constant theme of praise; although the Declaration is little more than a *compilation* from the most abundant public materials, in which the rights of the Colonies and their violation by the British Government had been often stated by distinguished individuals, by various public bodies, and by the Congresses of 1774 and 1775. But, what lessens still more Mr. Jefferson's share of the work, he had amassed such a redundancy of matter, and in such a form, that when his draught was reported to Congress, they struck out (greatly to his mortification) a third part of it, made various amendments of the remainder, and introduced (what Mr. Jefferson had wholly omitted) an appeal to the Supreme Being, and an acknowledgment of his superintending Providence. Mr. P. speaks positively on this point, because he has seen and compared a copy, in Mr. Jefferson's own handwriting, of his original draught as reported to Congress, with the Declaration as pruned, amended, and adopted by that body. There is one correct and liberal sentiment in the Declaration, to the credit of which Mr. P. believes Mr. Jefferson is entitled; and this is not the less credible, although his subsequent conduct has been so little in unison with it. Having adverted to the address and warnings of Congress to their British brethren on the subject of their grievances, and remarked that "they too had been deaf to the voice of justice and consanguinity," the declaration draws this solemn conclusion: "We must therefore acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends."

In reference to the attempts to settle our differences with Great Britain, I think it was the gentleman from Virginia who spoke of "the uniform conciliating disposition of this country;" and, mentioning the arrangement made with Mr. Erskine, he asked "if any one would deny it to be sincere?" Mr. P. could answer, not only for himself, but for the great body of Federalists, that, in their opinion, neither that nor any other negotiation with Great Britain has been conducted with sincerity, from 1804 to the declaration of war in 1812. But he will quote an opinion on this point, which ought to be received with peculiar confidence by the friends of the Administration, because it is the opinion of a gentleman, not only of long experience and distinguished discernment in public affairs, but who, it is natural to presume, stands high in the confidence of the present President, by whom he has been selected as one of the Commissioners to negotiate a peace with Great Britain—I mean Mr. Bayard. This gentleman, in a memorable speech in the Senate, five years ago, as addressing the Administration, says: "Your measures have not been impartial as to the belligerents, and

your negotiations have not been sincere as to England." Mr. Bayard stated at large the grounds of his opinion; and having mentioned, with regret, the otherwise unaccountable rejection, by Mr. Jefferson, of the treaty concluded with Great Britain, on the 31st of December, 1806, by his own favorite Ministers, Monroe and Pinkney, he adds: "But, in this lies the secret—a secret I will dare to pronounce—Your President never meant to have a treaty with Great Britain. If he had intended it, he would have taken the treaty of the 31st of December, 1806. If he had intended it, he never would have fettered the Commissioners with *sine qua non*s, [indispensable conditions] which were insuperable. It was an invariable article in the instructions, to form no treaty unless the claim to search merchant vessels for deserters was utterly abandoned. This was never expected; and at the arduous crisis [in the affairs of Great Britain] at which it was insisted upon, it was impossible to expect it." To this just conclusion of Mr. Bayard—a conclusion necessarily formed on a full knowledge of the proceedings of the Administration for many years in regard to Great Britain, Mr. P. will add Mr. Jefferson's own explicit acknowledgment to a friend, that he did not desire any treaty with Great Britain. This was about the time, in 1807, when he had peremptorily rejected Monroe and Pinkney's treaty. And he gave as a reason, that a treaty with Great Britain was of little or no consequence, because within a year she would cease to be an independent nation! If such was really his opinion, and so great his ignorance of the power and resources of Great Britain, that in 1807 she could not maintain her independence more than a year, how little is he entitled to the character ascribed to him by his followers, of a well-informed, sagacious, and profound statesman! But during all this time, and indeed throughout his administration, Mr. Jefferson let slip no opportunity of professing his friendly and conciliatory dispositions towards Great Britain. And after he had refused to accept Monroe and Pinkney's treaty, he directed them to renew the negotiations, professing again his "conciliatory sentiments," and "sincere desire that no circumstance whatever might obstruct the prosecution of experiments for putting an end to differences which ought no longer to exist between two nations, having so many motives to establish and cherish mutual friendship."\* And two months after this, though determined to decline any arrangement "which did not comprise a provision against impressments from American vessels on the high seas;" yet, "persevering at the same time in his earnest desire to establish the harmony of the two nations, on a proper foundation," he gave instructions to renew the negotiations.†

In the petulant speech of the gentleman from Vermont, (Mr. Fisk,) two things only merit Mr. P.'s notice, and this merely for the purpose of correcting what the gentleman offered as statements of facts. The first, that the number of impressed seamen from Salem alone amounted to one hundred and fifty. The gentleman's statement rests on the information he said he had received. Mr. P. has no hesitation in pronouncing the information utterly unfounded. The whole mass of evidence contained in the depositions which Mr. P. read and referred to, in the course of his speaking, renders the gentleman's information altogether unworthy of credit.

\* Mr. Jefferson's Notes on Virginia, answer to query XVII.

† Mr. Locke entertained a different opinion; and it is the more remarkable, as it is expressed in his work on Toleration. He says: "Those are not to be tolerated who deny the being of a God. Promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all."

\* Letter from Mr. Madison Secretary of State, of March 18, 1807, to Messrs. Monroe and Pinkney.

† Letter from the same to the same, of May 20, 1807.

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The other exhibition of a supposed fact, respects the amount of French spoliations—a subject with which the gentleman appears to be wholly unacquainted. Instead of twenty or thirty millions of dollars, he said they amounted only to three millions, and referred to the Louisiana Treaty for the fact. But the gentleman has mistaken the provision in the treaty relating to the purchase of Louisiana, to pay debts due to American merchants, for an indemnity for spoliations on their commerce. The Secretary of State, (Mr. Monroe,) in his correspondence with the British Minister, (Mr. Foster,) having strangely committed the like mistake, it becomes the more necessary to give a statement of the real facts.

In a preceding note (4) the French spoliations prior to the treaty of September 30, 1800, are, on the best attainable grounds, estimated at twenty millions of dollars. These were by that treaty wholly abandoned by the United States, for the reasons given in that note. But the French Government itself was indebted to the American merchants, for supplies of provisions and other articles to a large amount, and for injuries to their vessels and other property in the ports of France, long detained by a wanton embargo. And as a small number of vessels were captured during our naval hostilities with France—which of course would be considered prizes of war, but which at the date of the above mentioned treaty were not definitively condemned—these, agreeably to the fourth article, were to be restored or paid for. By the fifth article of that treaty, France stipulated to pay the debts above-mentioned. They remained unpaid, however, until provision was made for them in the Louisiana Treaty, concluded the 30th April, 1818. The purchase of that province, every one knows, cost the United States fifteen millions of dollars. The probability is, that it might have been purchased for ten millions, and that the five millions more were added to make provision for the payment of the debts due from the French Government to the American merchants. And yet, only three millions and three-quarters of dollars were reserved of the purchase-money to discharge those debts. It had been better, therefore, if the United States had undertaken to pay them, especially as the French board and other officers, in the end, fleeced the American merchants whose claims were admitted of one-fifth or one-fourth of their dues, and choused others out of their whole debts.

To ascertain what claims of debts due to American citizens were just, and comprehended in the provision of the treaty, a board, consisting of three Americans, was constituted by the American Minister in Paris, (the late Chancellor Livingston,) to examine and certify them. Some boards of French officers were also authorized to intermeddle in their examination. This was necessary, and unquestionably designed, as by the provisions of the 10th article of the treaty, to render practicable, a vast project of swindling. For the three millions and three-quarters of dollars, were intended solely and exclusively to discharge those debts: the French Government could not make, nor did make, any pretensions to any portion of that sum. This was expressly avowed by the French Minister Marbois. Nevertheless, under the pretence of preventing the admission of improper, unjust, or exorbitant claims, or the rejection of valid claims, the French bureaux, or board of officers, were authorized to interpose their opinions; and the final report of the American and French examiners was to be sent to the Minister of

the French Treasury, “on whose report the French Government should decide definitively in every case.” This provision of the treaty placed the American claimants at the mercy of the officers of the French Government. The consequence was, that to insure the allowance of an honest claim, the agents for the American creditors were obliged to sacrifice one-fifth or one-fourth of it, by way of douceur or bribe, to the French officers. This course of corrupt proceeding was stated to me a few years ago, at one of the public offices in this city, in such manner as to preclude all doubt of the fact. Moreover, the rejection of honest claims (as where the agents of the claimants had not been instructed, and did not feel themselves at liberty, to sacrifice in bribes, any, and especially such large proportions of the whole debts,) made room for the admission of dishonest and exorbitant claims, of which the agents, or dishonest claimants, would, of course, not hesitate to give one-half to obtain for themselves the other half.

Thus, it appears, that the Louisiana treaty had no relation to French spoliations, as the gentleman from Vermont supposed. How it happened that Mr. Monroe should commit the same mistake, is not a little surprising, seeing he was associated with Mr. Livingston in negotiating and concluding that treaty. In his correspondence with Mr. Foster in the year 1811, in which he undertakes to justify our Government for taking possession of the Spanish province of West Florida, he talks of a long catalogue of injuries received by the United States from Spain, but mentions only two; one, the spoliations committed on our commerce, (after Spain became the ally of France, and which has already been fully explained,) and the other, the suppression or interruption of the right of deposit at New Orleans, (which, also, has before been explained.) “For neither of which injuries,” said Mr. Monroe, “has any reparation or atonement been made. For injuries like those of the first class [spoliations] it is known to you that Great Britain and France made indemnity.” The assertion is true as to Great Britain; but wholly unfounded as to France, for whose spoliations, amounting to fifty millions of dollars, no reparation has ever been made.

Having been led to notice the conduct of our Government towards Spain, particularly in relation to the Floridas; and, in doing this, to have recourse to the correspondence between the Secretary of State (Mr. Monroe) and Mr. Foster, (the British Minister,) Mr. P. ought not to omit the following part of that correspondence. Mr. Foster, in his letter of September 5, 1811, having mentioned the proceedings of General Matthews in East Florida, where, as Mr. Foster was informed, he was “taking steps to subvert the Spanish authority,” and “by bribery, and every art of seduction, endeavoring to infuse a spirit of rebellion into the subjects of the King of Spain in that quarter;” he then requests Mr. Monroe to inform him “upon what authority he (Matthews) was acting, and what measures had been taken to put a stop to his proceedings. To this letter Mr. Monroe delays an answer until November 2, almost two months, and then fills several pages about and about East Florida, and the claims of the United States against Spain, but most carefully avoids saying one word in answer to Mr. Foster’s request for information relative to the doings of General Matthews; which studied omission amounts to a confession (of what, indeed, no man of common sense and information can doubt) that General Mat-

thews was employed by President Madison, by intrigues, by bribery, and by force, to seduce the Spanish subjects from their allegiance. And yet Mr. Madison, the *political head* of the American nation, was the person who, in a public Message to Congress, could affect to be so deeply wounded in his *moral* feelings by the conduct of the Governor of a British province, (which Mr. Madison represented as an act of the British Government) in employing the infamous John Henry to intrigue with the citizens of Boston for some purpose favorable to Great Britain. Mr. Madison, too, had the assurance to speak, in that Message, in a language importing that Henry had actually intrigued with citizens of Boston, when, by his own statement, it appeared that he had not opened his lips to any one of them on the subject of his mission. That whole transaction is stamped with deceit and baseness. Mr. Madison, or (which is the same thing) the Secretary of State, receives a letter from Henry, appearing on the face of it to be from Philadelphia, containing the disclosure of the real or pretended plot; yet bearing date a number of days after Henry had been at Washington, and actually received fifty thousand dollars as a reward for his disclosure!

A very few things in the speech of another gentleman from Virginia (Mr. Nelson) require to be noticed by Mr. P.

In exposing Mr. Jefferson's embargo imposture, Mr. P. mentioned the safe and extensive commerce that our merchants might have continued to carry on, notwithstanding the French decrees and the British Orders in Council, if that embargo had not locked up our vessels in our harbors. In opposition to this, the gentleman from Virginia (Mr. Nelson) asserted that nine vessels out of ten, that went to sea about the time that the embargo was laid, were swept from the ocean. The gentleman has relied, not upon his own knowledge of the fact, but on the partial and imperfect statement of some other person. If the vessels referred to were destined to the ports of France and her allies, it is not improbable that the greater part were taken by British cruisers, under the Orders in Council. But no prudent merchant would, after notice of those Orders, attempt to send his vessels to France; the risk, from the great number of British cruisers on the seas, being equal, perhaps, to eighty or ninety per cent. And it merits particular notice that, while French decrees have been made to operate instantly, and some *retroactively*, against neutral vessels, the British Orders in Council, of November 11, 1807, were stayed in their execution, for a reasonable time; for notice of them to reach different places, proportioned to their distances from England, before such vessels should be liable to condemnation. Such as commenced their voyages before notice of the Orders reached the places of their departure, were to be warned, if met by British cruisers, not to proceed to the ports of France or her allies; and were not to be captured, unless found proceeding afterwards contrary to such notice. And by another Order in Council, of November 25, 1807, the times for gaining notice of the Orders of the 11th, were precisely fixed, in the United States, to the 20th of January following: that is, seventy days were allowed for that purpose; so that American vessels sailing from American ports, prior to the 20th of January, 1808, were not liable to capture under the Orders of November 11, although destined to ports of France, or other enemies of Great Britain.

And to see how little danger attended American

vessels going to any other countries, we need only resort to a report from the Secretary of the Treasury, of the number of our merchant vessels which, during Mr. Jefferson's embargo, were permitted to sail, with the real design, or under the plausible pretext, of bringing home American property, remaining in foreign countries, at the time that the embargo was laid. The whole number so permitted to sail was five hundred and ninety-four, nearly all of which returned in safety. Thirteen only were lost by all casualties; and of those thirteen, seven were captured by our own cruisers. Hence, it appears that the whole risk of those five hundred and ninety-four vessels was little more than a sea risk in time of peace.

The gentleman said "he knew the hostility of England to free Governments." It is really astonishing that gentlemen, who are the descendants of Englishmen in this country and whose best birth-rights are the same liberties that Englishmen enjoy, should entertain the preposterous idea, that England is the enemy to free Governments, when her's and our's are the only free Governments on earth—it is most astonishing, when such erroneous notions are broached by gentlemen of the profession of the law, whose studies lead them to acquire a correct knowledge of the English constitution, and of the liberties of Englishmen. Can they name a single liberty which citizens of the United States enjoy, that is not also enjoyed by Englishmen? Both have the same common law, the same security for life, liberty, and property, in the trial by jury; the same writ of habeas corpus to rescue from the hands of great or little tyrants the bodies of persons arrested or imprisoned contrary to law; and the same right of exemption from taxes, unless granted by themselves or their representatives. And surely every gentleman of the law will admit, that in no country on the globe is justice administered with greater ability and purity than in England.

But the people have it continually rung in their ears, that England is a monarchy, and the United States a republic; and they are deceived into the opinion, that monarchy is but another word for despotism, where all the subjects are slaves; and that republic means liberty, where all the subjects or citizens are free. The truth is, both countries, in respect to the forms of Government, are monarchies, and both, at the same time, republics. The English monarch, or chief magistrate, is called King; the American monarch, or chief magistrate, is called President. The powers of the King and President are somewhat different. One, by himself or his Ministers, appoints to the multitude of offices, civil and military, in the kingdom; the other nominates to all offices, civil and military, and, with the advice and consent of the Senate, appoints; but the President can remove all officers at his pleasure, except the Judges; but neither can the King of England remove the Judges. In both countries they hold their offices during good behaviour. In the United States, the power of appointing to some offices is vested in the heads of departments, as in the Post Office; but if the Postmaster General appoints a deputy whom the President, or his supporters, whether blinded by passion or interest, or influenced by party views, disapprove, the President removes the principal. This has recently been exemplified in the case of the Postmaster General, Mr. Granger. The King of England may declare war, as well as make peace; but he will do neither without the advice of his Cabinet Ministers and Council, and these will seldom dare advise either

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but in conformity with the apparent opinions and wishes of a majority of the people. The President can, indeed, only recommend a war—the assent of Congress is indispensable to its declaration. But the influence of the immense number of offices in the President's gift, and especially the force of party, of which he is head, will generally enable him to carry any point he wishes, almost with certainty, where party views and interests coincide with the measure, or the man, bearing the President's recommendation.

The chief magistrate of England becomes such by birth or descent; whence it may happen, that a child, or person insane, may be the King; but they know and apply the proper remedy—a regency, by one or more competent man or men.

But the President is a chief magistrate of our own choice! This is true in theory, and false in fact. Mr. Madison has been twice imposed on the people for their President, by a caucus composed of members of Congress, although, by the Constitution, members of Congress are forbidden to be electors of the President. The American monarch, too, is but the chief of a party, while the monarch of England is the chief of the whole nation.

The Senators of England (called the Lords) inherit their titles and places, the Senators of the United States are elected for six years by the respective State Legislatures.

In both countries, the members of the Commons or House of Representatives, are chosen by the people. In England, it is said there is corruption in the elections; and is there none in the United States? In England, the electors are treated with beer; in America, with whiskey. In England, it is said money is used to corrupt the electors; in America, the multitudes of offices in the President-monarch's gift, by being conferred exclusively (a few military offices in the present desperate war excepted) on one political sect, become bribes in his hands, to retain his present adherents, and gain proselytes from the ranks of his opponents, in which there are some men too feeble in mind, or too unstable in principle, to resist the lure of office.

In this sketch of the Governments of England and the United States, Mr. P. has aimed at a simple representation of what exists in fact and practice. He offers no inferences—discerning readers will make their own. That both are monarchies, the one elective, the other hereditary, or both republics, is unquestionably true. But whatever they may be called, that they are substantially the same, Mr. P. will need quote but one authority, which must be decisive with all true Democratic Republicans; for it is the authority of Mr. Jefferson himself. In his famous letter to his friend Mazzei, he says of the Federalists, who framed and adopted the present Constitution of the United States: "their avowed object is to impose on us the substance, as they have already given us the form of the British Government."

But, notwithstanding this affected abhorrence by Mr. Jefferson, of this anglo-monarchical Constitution of the United States, perhaps scarcely any ambitious intriguer for a throne ever strove more industriously, and by various means to acquire it, than did Mr. Jefferson to obtain the Presidency of the United States. And being thus seated in the great chair of State, he never attempted (at least I have never heard of an attempt) to change the Constitution to one which should, in his view, be more truly republican. The only change made in it, during his Administration, was a

mischievous one; and its object was to secure his own re-election, without the hazard of a competition like that which happened in his first election. One of the strong objections to this change was, that it would naturally lead to the choice of a weak and incompetent person for the Vice President; an officer who ought always to possess the eminent talents and virtues fitting a man to the office of President; because, upon the President's death, inability, or removal, the duties of his office devolved on the Vice President. And for this the Constitution, as originally established, had made the proper provision.

The gentleman from Virginia, (Mr. Nelson,) with other gentlemen on the same side of the House, complain of every statement or remark importing any influence of France in the measures of our Government; and yet seem not unwilling to have it thought that British influence prevails on the other side of the House. Mr. P., and his friends, make no charges of French influence against any honorable man. They only state facts and circumstances, and if from a view of these there appears to have been a concert and correspondence of measures and views of our own Government with those of France, whether the cause be ascribed to French influence, or French attachment, on one hand, and inveterate, unrelenting hatred to England on the other, hitherto prompting the wish for success to the arms of France, whose despotic ruler had destroyed the independence of many States, and was hastening to subjugate the rest, while, with equal ardor, they anxiously wished for the overthrow of England, whose downfall must necessarily have been followed by our own; to whatever cause the actual coincidence of American and French measures is to be ascribed, such is unquestionably the fact. The best interests of the United States have been sacrificed, and their safety and independence hazarded, to further the views and increase the destroying power of France, to whose tyrant nothing was wanting but the subjugation of England, to make him master of the world. And for that subjugation all the genuine disciples of Mr. Jefferson, and his successor, Mr. Madison, and the constant and zealous supporters of their measures, must have ardently wished; for, certainly, their measures were calculated to produce that result. Who has forgotten the impious wish of a member from South Carolina, (David R. Williams,) expressed some four years ago, on the floor of the House of Representatives? "that could he command the red artillery of Heaven, he would drive the fast-anchored Isle from her moorings." Meaning, that he would make a wreck of the Island of Great Britain, or sink it in the sea. Mr. P. is aware of a secret motive, of a most powerful influence, for keeping alive and strengthening the popular passions relative to France and England: it was very much by cherishing those opposite passions, (love to France, and hatred to England,) that the present ruling party rose to power; and to preserve it in the same hands, the force of those passions must not be suffered to abate, much less to change; for, with that change, political power, in the National Government, would forthwith be transferred to other hands. And the like change would take place in the administration of the governments of those States which remain under the influence of the popular delusion. The propagation of this delusion was successfully carried on, even during the Administration of WASHINGTON; for, though none had the hardihood to charge him as a friend to monarchy and aristocracy, the slander was industriously

spread, and continually repeated, that his principal followers and supporters were all monarchists and aristocrats;—while Mr. Jefferson and Mr. Madison, forsooth, were Republicans, true patriots, men of virtue and integrity, and withal very great statesmen! It was this erroneous opinion of these two citizens on which the popular delusion was bottomed, and is still maintained—connected with the popular feelings, (excited in our Revolutionary war), in favor of France, and in opposition to England; and until the popular opinion of those two men be exactly reversed, by a disclosure of their true characters, the popular delusion will probably continue.

Mr. LOWNDES, of South Carolina, replied to a part of Mr. PICKERING's speech, and gave his decided support to the bill under discussion. He spoke till the usual hour of adjournment, without having concluded his remarks on the subject; when the Committee rose, reported progress, and obtained leave to sit again.

### TUESDAY, March 1.

Mr. MURFREE presented a petition of sundry inhabitants of North Carolina, praying the aid of Congress in opening an inland water communication from the Chesapeake Bay to St. Mary's river, in Georgia.—Referred to Mr. MURFREE, Mr. STOCKTON, Mr. INGERSOLL, Mr. CALHOUN, and Mr. TAYLOR.

Mr. MACON presented a petition of sundry inhabitants of the State of North Carolina, to the same effect with the above.—Referred to the same committee.

Mr. KENT, from the Committee for the District of Columbia, reported the bill from the Senate "to incorporate a Fire Insurance Company in the town of Alexandria, in the District of Columbia," with amendments; which were twice read and ordered to be engrossed, and the bill read the third time to-morrow.

Mr. McKEE, from the Committee on the Public Lands, reported a bill concerning Shawanoe town; which was read twice and ordered to be engrossed, and read the third time to-morrow.

Mr. INGERSOLL, from the Committee on the Judiciary, reported the resolution from the Senate "authorizing the transmission of the public journals and documents printed by order of the Senate and House of Representatives, to each of the Judges of the Supreme Court of the United States," with an amendment; which was twice read, and ordered to be engrossed, and the resolution read the third time to-morrow.

Mr. CHAPPELL, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of Mary Cheever; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. TROUP, from the Committee on Military Affairs, reported a bill for the more effectual defence of the Northwestern frontier, by granting donations of land to actual settlers; which was read twice and committed to a Committee of the Whole on Tuesday next.

Mr. DESHA, of Kentucky, from the committee

to whom was referred the petition of J. J. Cunow on behalf of the *Unitas Fratrum*, made an unfavorable report on the same, which was ordered to lie on the table and be printed.

Mr. INGERSOLL, of Pennsylvania, from the Judiciary Committee, reported unfavorably on the resolution ordering an inquiry into the expediency of removing the seat of Government of Missouri; which was concurred in by the House.

### JUDICIAL SYSTEM.

Mr. INGERSOLL reported a bill farther to amend the Judicial System of the United States; which was read twice and committed to a Committee of the Whole on Monday next. The bill is as follows:

A bill further to amend the Judicial System of the United States.

*Be it enacted, &c.,* That the circuit court of the United States shall have original cognizance of all actions, suits, controversies, matters and things, of whatsoever nature, which are cognizable by the judicial authority of the United States under the Constitution, saving only such cases where exclusive original jurisdiction is by the Constitution given to the supreme court or by statute to the district court.

SEC. 2. *And be it further enacted,* That where any action or suit, at common law or in equity, shall be brought in any State court concerning any matters or things, or between parties whereof the judicial authority of the United States hath cognizance by the Constitution, and the final judgment or decree in such action or suit shall be against the party defendant, in the highest court of law or equity in such State, a writ of error or appeal, as the case may require, shall lie in favor of the party defendant, to the supreme court of the United States, who may thereupon re-examine and reverse or affirm such final judgment or decree, and further adjudge therein in the same manner as the causes coming from the circuit courts of the United States by writ of error or appeal; and where their judgments are final in such action or suit may proceed to execute the same accordingly.

SEC. 3. *And be it further enacted,* That the supreme court of the United States shall have appellate jurisdiction from all judgments and decrees of the circuit courts of the United States, in civil actions or suits where the matter in dispute exceeds the sum or value of two thousand dollars exclusive of costs, whether the same actions or suits were originally brought in such circuit courts or were removed there by writs of error or appeal from the district courts.

SEC. 4. *And be it further enacted,* That in all cases of admiralty and maritime jurisdiction, including causes of prize, the forms of process, and the taking of evidence, and all other proceeding, shall be according to the course and practice of admiralty and prize courts, as contra-distinguished from courts of common law: *Provided however,* That the several courts of the United States shall continue to have full power to alter, amend, and regulate the same. And upon appeals to the supreme court no new evidence shall be admitted in such causes, saving and excepting where said court in prize causes shall, according to usage, direct further proof.

SEC. 5. *And be it further enacted,* That in all causes of admiralty and maritime jurisdiction the respective judges of the courts of the United States, before whom any such causes are depending, may in vacation, as well before as after the return term thereof, make all

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interlocutory orders as to filing claims, stipulations, appraisements, and delivery of property on bail; and other proceedings preparatory to the final hearing of the same causes, in as full and ample a manner, and with the same effect as if the same were had, done, or transacted in term; and in like manner in causes at common law and in equity depending in their courts, the respective judges of the courts of the United States may, in vacation, and as well before as after the return term, make any interlocutory orders as to the process, bail, pleadings, and other matters and things preparatory to the final hearing of such causes, according to the practice and usage of courts of common law and equity, in as full and ample a manner, and with the same effect, as if the same were had, done, and transacted in term.

SEC. 6. *And be it further enacted*, That the several courts of the United States, (in term,) or any judge thereof, in vacation, shall have full power to grant writs of *habeas corpus* in all cases warranted by the usages of law and cognizable by the judicial authority of the United States: *Provided however*, That in no case shall the party be discharged upon any such writ by said court, or by any judge thereof, where he shall be in custody under the process of any court or State magistrate, and shall not be exempted from arrest or confinement thereon by the laws of the United States.

SEC. 7. *And be it further enacted*, That wherever any seizures shall be made by any officer of the United States, under color of his office, the validity and legality of such seizure shall be exclusively examinable and determinable in the proper court of the United States having cognizance thereof. And the party or parties aggrieved thereby, may and shall have full remedy in such courts for all damages sustained by such services, whenever the same shall be without reasonable cause.

SEC. 8. *And be it further enacted*, That wherever, in cases cognizable by the courts of the United States, the parties defendant in any suit, action, libel, or bill in equity, are citizens of, or resident in, different States, such suit, action, libel, or bill, may be brought in any district where either of the parties defendant dwelleth or hath his home; and the proper process may be served upon all the other parties wheresoever they dwell or may be found.

SEC. 9. *And be it further enacted*, That juries, to serve in the courts of the United States, shall be designated by lot, or otherwise, in each State or district respectively, according to the mode presented by the laws of the State, for the time being, for forming juries to serve in the highest courts of law of each State, so far as such laws shall render such designation practicable by the courts or other proper officers of the United States. And the judges of the courts of the United States may in vacation order a return of juries from time to time from such parts of the State or district as they shall in their discretion deem meet, in the same manner as they are now authorized to do by law in term.

SEC. 10. *And be it further enacted*, That the respective judges of the courts of the United States and other magistrates having competent authority in this behalf, on all complaints for crimes against the United States pending before them, upon which the defendant or defendants may be imprisoned, or bailed for trial before the proper court of the United States, may, in their discretion, require from any witness in behalf of the United States, on pain of imprisonment, a reason-

able recognizance, with surety or sureties for the appearance of such witness to give testimony before such judge or magistrate, where, from the circumstances of the case, or otherwise, it shall appear to the court that the testimony of such witness may otherwise be lost.

SEC. 11. *And be it further enacted*, That the circuit courts of the United States shall have jurisdiction over all common law and admiralty and maritime crimes and offences, which, under the Constitution, are cognizable by the judicial power of the United States; and on conviction thereof may, where no other punishment is prescribed by law, punish the same by fine not exceeding one thousand dollars, and imprisonment not exceeding one year, or by either fine or imprisonment, according to the nature and aggravation of the crime or offence.

SEC. 12. *And be it further enacted*, That if any suit shall be commenced in the State court, in any case to which the judicial power of the United States does by the Constitution extend, and the party or parties or defendant in any such suit shall, at any time before issue joined in such State court, file a petition supported as to the facts by his or their affidavits, if the court require it, for the removal of the cause for trial into the next circuit court to be held in the district where the suit is pending, or, if the district of Maine or Louisiana, to the district court next to be holden therein, and offer good and sufficient surety for his or their entering in such court, on the first day of its session, copies of said process against him or them; and also for his or their appearing and entering in such court special bail in the cause, if special bail were requisite therein, it shall be the duty of the State court to accept the surety and proceed no further in the cause; and any bail that may originally have been taken shall be discharged, and the said copies being entered as aforesaid in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process. And any attachment of the goods or estate of the party or parties defendant by the original process, shall hold the goods or estate so attached, to answer the final judgment in the same manner as by the laws of the State they would have been holden to answer final judgment, had it been rendered by the court in which such suit commenced. And if the party or parties defendant, so removing such suit aforesaid, shall not, at the trial thereof in such court of the United States, prove that such suit is a case to which the judicial power of the United States does by the Constitution extend, he or they shall not be permitted to avail himself or themselves of any other legal defence at such trial, and judgment shall be rendered against him or them in due form of law. And in all suits so removed as aforesaid, the circuit court shall, after final judgment, proceed to execute the same according to law.

#### THE LOAN BILL.

The House went into Committee of the Whole on the Loan bill.

MR. PICKERING, of Massachusetts, by permission of Mr. LOWNDES, who was entitled to the floor, made a few remarks in addition to, and explanatory of, some parts of his speech yesterday.

MR. LOWNDES, of South Carolina, then resumed the floor, and concluded in an hour and an half the speech which he commenced yesterday, in favor of the bill; during which he replied to



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various doctrines advanced by gentlemen in the Opposition.

Mr. EPPES, of Virginia, next took the floor, and in a speech of more than an hour, replied to the arguments of the Opposition.

Mr. PITKIN, of Connecticut, spoke about an half an hour in explanation of his former speech.

When he concluded, the bill under debate was ordered to be engrossed for a third reading to-morrow, and the House adjourned.

### WEDNESDAY, March 2.

Mr. LATTIMORE, from the committee appointed on the 12th ultimo, reported a bill further to extend the right of suffrage, and to increase the number of members of the Legislative Council in the Mississippi Territory; which was read twice and committed to a Committee of the Whole on Monday next.

An engrossed bill concerning Shawanoe town, was read the third time and passed.

An engrossed bill for the relief of Edwin T. Satterwhite, late purser to the brig *Hornet*, was read a third time, and passed.

The bill from the Senate for the better organizing, paying and supplying the Army of the United States" was twice read, and committed to the Committee on Military Affairs.

The bill from the Senate for the indemnification of certain claimants of public lands in the Mississippi Territory, was read and ordered to lie on the table.

### PROPOSED SUSPENSION OF EMBARGO.

Mr. WRIGHT, of Maryland, rose to submit a motion for consideration. He said, feeling, as he did, a perfect confidence in the sincerity of the Administration to effect by negotiation at Gottenburg an honorable peace, and knowing, as he did, that the President had perfect confidence in the Prince Regent in his own proposition to meet at Gottenburg, to settle by negotiation the unhappy differences that subsist between the two nations upon the principles of the laws of nations and the maritime rights of Great Britain; and from the policy of this Government, tested by their proposition through Mr. Russell, after the war, upon an agreement to negotiate, on certain conditions, to agree to an armistice; and from the proposition of the British Government, through Admiral Warren, on our agreement to negotiate, on certain terms, to agree, also, to an armistice; he thought he was justified, from the conduct of both Governments, in the belief that an armistice will be agreed to on the commencement of the negotiations at Gottenburg, as the practice of all nations, as well as the two Powers now negotiating, evinced this to be the common usage of nations. It is certainly, said he, one of the first dictates of humanity to spare the effusion of human blood; and, during pending negotiations, believed to be entered into with sincerity and good faith, it would seem to me to be a measure of primary importance to heal asperities, and then lead to a happy termination of the negotiation.

If then, sir, the sword shall be sheathed during the negotiation, by an armistice—that sword that can only wound the enemy—I ask if the two-edged sword, the embargo, ought not, during the negotiation, also to be sheathed—that which cuts both friends and foes? and whether it is not our duty to test our devotion to our constituents, and relieve them from all pressure that may not be absolutely necessary? Their patriotic submission to it while absolutely necessary to press the enemy entitles them to its removal, while the prospect of peace induces a hope that it may not be necessary as a weapon against the enemy.

Having myself advocated the embargo in the Summer session, and the present embargo, and there being no power to suspend it at this time but by an act of the Legislature, I have thought it my duty to submit the following resolution; but I feel it my duty to the Administration to declare that it is without their concert and without their knowledge:

*Resolved*, That a committee be appointed to inquire into the expediency of suspending the embargo law during the impending negotiation for peace.

Mr. WRIGHT appeared to be inclined to let his motion lie on the table for the present; but

Mr. GROSVENOR, of New York, said he conceived it was highly proper that the fate of a proposition of this character should be at once known, and, therefore, moved that the House now proceed to consider the resolution.

Mr. SEYBERT, of Pennsylvania, having required the yeas and nays on the question of consideration, which by the rules of the House is not to be debated, it was decided in the negative—yeas 65, nays 68, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bradbury, Breckenridge, Brigham, Caperton, Ciley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Duvall, Ely, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Hopkins of New York, Howell, Hufty, Hungerford, Kent of New York, Kent of Maryland, Law, Lewis, Lovett, Macon, Markell, McKee, Miller, Moseley, Oakley, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Ridgely, Robertson, Ruggles, Sherwood, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, and Wright.

NAYS—Messrs. Alston, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell Comstock, Conard, Creighton, Cuthbert, Davis of Pennsylvania, Denoyelles, Earle, Eppes, Farrow, Forney, Forsyth, Franklin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Ingersoll, Ingham, Irwin, Jackson of Virginia, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Leferts, Lyle, McCoy, McLean, Moore, Murfree, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Sevier, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Tannehill, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Williams, and Yancey.

So the House refused to consider the said resolution.

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*The Loan Bill—Remission of Forfeitures.*

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## THE LOAN BILL.

The engrossed bill authorizing a loan of twenty-five millions of dollars was read a third time; and on the question "Shall this bill pass?"

Mr. STANFORD, of North Carolina, opposed the bill in a speech of considerable length; and

Mr. FISK, of Vermont, spoke also at considerable length in support of it.

A motion for the previous question was lost by a small majority.

Mr. NELSON, of Virginia, rose to speak in favor of the bill; but had spoken but a few minutes, when, on giving way for the purpose, the House adjourned.

## THURSDAY, March 3.

Mr. EPPEL laid before the House two letters addressed by the Secretary of War to the Committee of Ways and Means, upon the subject of the number of militia employed in the actual service of the United States during the year 1813, and of the strength of the Army of the United States.

Mr. KENT, from the Committee for the District of Columbia, reported a bill establishing the Bank of the Metropolis; which was read twice and committed to a Committee of the Whole.

Mr. McKEE, from the Committee on the Public Lands, reported a bill for the relief of persons who, by mistake, have made wrong entries on public lands; which was read twice and committed to a Committee of the Whole.

On motion of Mr. ARCHER, the Committee of Claims were discharged from the consideration of the petitions of sundry inhabitants of that part of the State of Ohio which borders on Lake Erie, presented on the 10th and 24th ultimo, and of the resolution of the Legislature of Ohio, presented on the 25th ultimo; and they were referred to the committee for revising the militia laws.

A message from the Senate informed the House that the Senate have passed the bill "for the relief of James Crawford," with amendments, in which they ask the concurrence of this House.

## REMISSION OF FORFEITURE.

Mr. IRVING, from the committee appointed on the petition of George Walkington, made a report thereon; which was read, as follows:

That they have had the same under consideration, and find, by the statement of the petitioner, supported by other respectable vouchers, that, in the year 1808, being a mariner, out of employ, on account of the embargo, he was engaged by a Mr. George M. Woolsey, at that time a respectable merchant in the city of New York, to take charge of the ship *Halcyon*, to clear her out from the port of said city, and to carry her to the port of Jersey, on the opposite side of the Hudson river.

That shortly after he carried the said ship to Jersey, a captain was placed on board of her, and the petitioner discharged, receiving as a compensation for his services for the time he had charge of her, ten dollars. That, when he cleared the said ship out from the port of New York, he signed certain papers at the custom house which, as he had never cleared a ship out before, he supposed to be mere papers relating to her

clearance. That, in the year 1810, he was arrested, at the suit of the United States, on a bond for \$57,000, which, to his surprise, he then learned was an instrument he unwittingly signed at the time of the said clearance. That, being friendless, and not able to procure surety for such an amount, he was placed in prison, and remained there for ten months, when, by the commiseration of the collector of the port of New York and the attorney for the district, who joined in a petition with him to the Secretary of the Treasury, the penal bond was reduced to \$800, for which he gave bail, and then applied himself to his avocation, in the hope of making sufficient to meet the bond. That, while thus in the prosecution of his calling as a mariner, he was taken at the commencement of the present war with Great Britain, was carried into Gibraltar, where his cargo and all his little property was condemned, and himself detained a prisoner of war eleven months. That being at length exchanged, he returned in a cartel from London to the United States, and on arriving in the city of New York, he found judgment entered against him on the penal bond, and was surrendered to prison by his bail. That he is now penniless, in abject want, and has a wife and two small children, who are likewise, through his imprisonment, involved in the same state of penury and suffering.

From the testimony of others in behalf of the character and circumstances of the petitioner, the committee are of opinion that his situation is as deplorable as he represents; and that he has been an unsuspecting dupe; especially so, when they take into consideration the smallness of the sum, ten dollars, which was all that he received for his services on board of the said vessel; which he states to have been at the rate of two dollars per day, the wages usually allowed in the port of New York to those who are employed as ship keepers.

The committee are convinced that a man of the character the petitioner is represented to have possessed, would hardly have rendered himself liable to the consequences which have overtaken him for so paltry a sum. If, however, he should have been guilty, they are of opinion that the law has been fully satisfied for his offence, in his imprisonment for sixteen months, and his having been reduced to his present state of absolute wretchedness and want.

They therefore beg leave to report a bill for his relief.

Mr. IRVING then reported a bill for the relief of George Walkington; which was read twice and committed to a Committee of the Whole.

## THE LOAN.

The House resumed the consideration of the unfinished business, viz: the bill authorizing a Loan.

Mr. NELSON, of Virginia, redeemed the pledge he had yesterday given, by a speech in support of the bill.

Mr. GROSVENOR, of New York, followed in opposition to it, and in vindication and support of his first speech on this subject.

During Mr. GROSVENOR's speech, considerable irritation was caused in the House by what the SPEAKER deemed the personality of his remarks, and for which he was called to order by the Chair, and made the required explanation.

When he sat down, several gentlemen rose to speak.

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Mr. MACON, of North Carolina, said his anxiety for the question, and for an early adjournment of Congress, would have induced him to remain in his seat, but that it was now near four o'clock, and he did not expect that any vote would be taken to-day, except the one on the passage of the bill, and he would not delay that but for a short time; he would, therefore, express his opinion in as few words as he could on some of the topics which had been brought into the debate.

It has, Mr. Speaker, been more than once hinted or insinuated that the Southern States are unfriendly to New England. These hints and insinuations are founded in error. No fact had been stated, nor in his opinion could one be stated, which would justify the remarks he had frequently heard made on this subject. Such remarks produce no effect in the Southern States, because the people there know there is no foundation for them, and it is possible they were not intended for that part of the nation; indeed it seems impossible, unfounded as they are, that they should produce any in any part of the country. The fact, if true, could be easily ascertained by almost any person living in New England, because every year people emigrate from there to the Southern States, and the emigrants could surely furnish the proof if it existed. The truth is, the emigrants are there received as brethren of one great family. Besides, it must be known to many gentlemen in the House, that each of the three Southern States have been represented in Congress by a native of New England. Look around this hall, and you will see several Representatives from the Southern States who have been educated there; and the practice is continued of sending young men from the South to the North to be educated, though at this time they have excellent colleges and academies in their own States; and can it be believed that men under such circumstances would send their sons to be educated in a country to which they were so unfriendly as to be almost hostile? Again, it must be known that a great number of gentlemen from the South regularly spend their Summers in New England; and would they go to spend their time and money among a people whom they disliked? If not impossible it is improbable.

It has also been stated in the same indirect way, that the Southern States are unfriendly to commerce. No fact has been stated to support the charge, and it is sincerely believed that one cannot be. Hence this must be met like the other, by an endeavor to demonstrate that this also is founded in error, as in truth it is. The drawback and discriminating duties are proofs that American commerce and navigation are highly favored by law; and the annual reports from the Treasury show that the people of the South are not much engaged in either, and the Journal of this House will show that no Southern member has attempted to get either law repealed. But of what use would their cotton, tobacco, provisions, and lumber be, if they could

not be exported? The nation cannot consume them. Of what use would their laborers be, if the products of their labor could neither be consumed in the country nor exported? And while they hold a particular sort of population they will not, I imagine, be either a commercial or navigating people. The reasons for this opinion it is not necessary to state. They will occur to every one. Virginia is an example of its correctness; her natural advantages for commerce and navigation are not surpassed by any part of the country, and we all know that she is not one of the great commercial and navigating States. The Southern people, like all other people, wish to get their produce to market as cheap as they can, and they believe if you suffer any one Power to monopolize the carrying trade, that that Power will extort what price she pleases for carrying; and that if you suffer Great Britain to be the monopolizer, that they will not only in time of peace have to pay her extorted price, but that often in the time of war they will have an extorted war price to pay. In order, therefore, to get their produce carried to market as cheap as possible, they have been willing to encourage a competition. If the people of the Southern States are not friendly to the export and import trade, and the coasting, too, they must be worse than a man, if such a one is in the world, who would cut off his own thumb to pinch the little finger of his neighbor. It had been said that the restrictive system, as it was called, operated harder on New England than on the Southern States. This, I apprehend, was a mistake; it operated on the whole produce of the Southern country, while it only operated to the amount of the freight on those concerned in navigation; so that if the Southern planters could not sell their crops, the New England men engaged in navigation could not get the freight; its operation was rather a postponement of sale and freight than a real loss. But the Southern Republicans have been directly charged with being the inventors of the restrictive system, as it is called. This is another mistake. If gentlemen will examine the documents on the Clerk's table, they will find it first mentioned since the adoption of the Constitution by the then Major (now Major General) Pinckney, when Minister at London. The restrictions, however, of which we have heard so much, certainly grew out of the celebrated Boston memorial. Permit me, sir, here to remark, though it has not much to do with the question, yet quite as much as a great deal you have heard, that I have long thought that the interests of New England and the Southern States are more intimately connected than those of the Middle and the Southern. The Southern are almost entirely concerned in agriculture, and the Eastern are greatly concerned in navigation, hence they are not rivals in any market; and if parties in this country had been formed on local and interested considerations, it is probable they would have been united against the Middle States; but the present parties were formed by putting different constructions on the Constitu-

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tion of the United States. One word more as to the restrictions. The majority who voted for them undoubtedly did so under a strong conviction that they were promoting the general welfare, and that the state of our foreign affairs absolutely required them. The embargo, every one knows, was the only act among them for which I voted, and that was solely with a view to avoid war; and I now verily believe that an adherence to the first act for a few months longer, would have produced the desired effect. It is possible that the whole of the restrictions may have been wrong, and that it would have been right to let Great Britain go on as she had done, both impressing and plundering; but, if wrong, they were surely not wickedly so, because they operated as equally as any general laws could on the whole community, and the wicked, however willing they might be for others to suffer for the public good, are scarcely ever willing to do so themselves; they are pretty certain, if they have it in their power, to take good care of themselves, and how easy could the majority, if they had acted on wicked principles, have permitted neutrals to carry away the produce of their fields?

Mr. M. said he sincerely lamented that his colleague (Mr. GASTON) should have thought it necessary to have stated the unfortunate situation of their native State; he agreed with his colleague in lamenting that there was a slave in the nation; indeed he should be glad that there was not one of the African race in it; but what had the condition of these people to do with the cause of the war? If it be a reason for not opposing the abominable practice of impressment, will it not be a reason for not opposing any wrong that may be inflicted on the country? And he could not conceive a greater wrong than impressment. But, slave or no slave, he was determined to live and die with her. He would stick to her as well in adversity, if it ever overtook her, as he would in prosperity. No misfortune that could happen to her would induce him to leave her, and he religiously believed that no State in the Union was better governed.

Much has been said about free ships making free goods. The United States have long since given up this point, and cannot now contend for it. But it is surely known to every man the least acquainted with the proceedings of the old Congress, that during the Revolutionary war that House was anxious to have the laws of nations so settled and understood, that free ships should make free goods; and it is believed that the first Administration under the present Constitution was not averse to the principle. The very first treaty made by the United States contains a clause declaring that free ships shall make free goods, contraband of war excepted.

Permit me, sir, to ask the gentlemen from the navigating States, if it is possible that they can believe that Great Britain will ever suffer, if she can prevent it, any nation except herself to be a great commercial and navigating people? If they do, it seems to me that a careful examination of her history from the days of the Stuarts to the

present time will convince them that they are greatly mistaken. Some of the many wars which she has been engaged in have been most assuredly carried on to destroy the commerce and navigation of a rival, and this was done at a time when she was not in Europe acknowledged to be the mistress of the ocean; and have not what she calls her maritime rights grown with her maritime power? And now that she has no rival in that kind of power, can it be expected she will suffer one to grow up if she can prevent it? The war in which we are now engaged is to protect our maritime rights. Our growing commerce and navigation had made her jealous of our growing power, and she endeavored by impressment and Orders in Council to destroy both, for she had nearly violated every neutral and maritime right which belongs to us before war was declared; in fact she may be said to have been at war with us while we were at peace with her. But to attempt to conquer Canada in a war carried on for sailors' rights and free trade, (and no words in our language could better define the cause of the war,) is called a new mode of protecting and defending them. It is true that the injuries which have been done to us have been done on the water, and that we undertake, in part, to avenge them on the land, and there is nothing new in this. No matter what the original cause of a war may have been, when two nations are engaged in it, it is the constant practice to strike where the enemy will most severely feel; and nations which have been forced to war, as we have been, have generally been willing to acquire something which might remunerate them at least for the expense they had been compelled to incur, and Canada would reimburse the United States all the expense they may be at—the duties on imports alone would do this. It cannot be forgotten that Great Britain acquired New York from the Dutch in a war not forced upon her, but undertaken to destroy the commerce and navigation of the Dutch. The history of that war ought to convince us that Great Britain is not willing to have a rival of any kind on the ocean; and the last treaty between her and France ought to convince the world that neither of them pay much respect to the rights of other nations.

To the best of my recollection this is the first session of Congress at which the war has been called wicked and unjust; when it was declared, it was only inexpedient; all then seemed to admit that there was just cause for it, and nothing has taken place since which could change its character. The conduct of the enemy at Hampton, and indeed at almost every place where he has had the power, has been such as no civilized man could have expected; but his abominable conduct cannot render the war either wicked or unjust on our part. The most wicked part of the war seems to be the attack on Canada, and a desire as is supposed to attach it to the United States. All the gentlemen who oppose the bill are also opposed to having Canada, though a gentleman from New York (Mr. GROSVENOR) has

said that we shall have it some time or other. Is it possible that, when we were British colonies, all the British statesmen, with the great Lord Chatham at their head, were mistaken as to the value and importance of Canada to the then colonies? They considered it of the first consequence, and spared neither men or money to take it. Again, is it possible that all the sages of the Revolution, with General WASHINGTON at their head, were mistaken in their wish to obtain it and attach it to the United States? I ought to have said to admit it into the Union, because the articles of the old Confederation has a clause, expressly declaring that Canada may be admitted into the union of the States. In the first treaty with France provision was made for it, and in the Constitution of the United States there is a clause, which I have always understood was intended to admit it into the Union; the clause does not apply to Territories, because they come into the Union under an ordinance of the old Congress. If these gentlemen are now right in not wishing to have Canada, then all the British statesmen and American Revolutionary patriots were wrong in wanting it; and if it is now wicked to attack it, it was quite as wicked in the Revolutionary war. It was then attacked by men whose purity of heart was never questioned by their countrymen, and by men who lived in the days which tried their souls; and let it be remembered, that the war of the Revolution was defensive, especially by those who talked so much about defensive war; and let it also be remembered by those who have told us that the Canadians were not represented in Parliament, therefore had no hand in injuring us, that they were not then represented in Parliament, and had no hand in opposing the tax on tea; they form a part of the British Empire, and as a part have been attacked. The object of this war and that of the Revolution is the same, though we are not in the same situation with those who concerted that. The object of both is to prevent oppression and to maintain our rights. Will it be believed in this nation that the gallant Montgomery fell in a wicked, unjust attack on Quebec? He lives in the hearts of his countrymen, not for a wicked and unjust attack, but for the brave and faithful discharge of his duty in a most glorious and honorable war. The mentioning his name brings to my recollection the names of Mercer and Gates; could they have heard the doctrine of perpetual allegiance, which has been advocated on this floor, it would, no doubt, have made similar impressions on their minds to those which were made on the mind of the venerable gentleman from Pennsylvania, (Mr. FINDLEY.) The first being an Irishman, the second a Scotchman, and the third an Englishman. This doctrine of perpetual allegiance was not I imagine in their day advocated on the floor of Congress. If these men, and many others equally patriotic, were not traitors according to the doctrine we have heard advanced, it must be because rights exist in a civil war, which do not exist in any other; and exactly the reverse is understood to

be both the law and the practice of nations. We all wish for peace that may last long; how is such a peace to be obtained? Not by begging, but by manfully maintaining our rights. The acquisition of Canada (pardon me for so saying) and Florida would add much to the probability of a peace being lasting; for while these remain in the possession of any European Government, that Government will most assuredly manage the Indians so as to force an Indian war on us whenever it pleases. The reason is in the nature of the Governments. In Europe there is always secret service money enough to bribe and corrupt whoever will be bribed or corrupted, and with this fund they will manage the Indians. Besides this, in the European Governments there is not the same responsibility in the Executive for the expenditure of public money as in ours; and I hope that ours will never be like theirs in that or in any other respect. It cannot be forgotten that when France owned Canada she so managed the Indians as to have a majority of them on her side whenever she and Great Britain were at war. The cause of her superior management was, that her King was absolute, and could do what he pleased; of course there was no responsibility to the nation for the expenditure of public money; and perhaps not much to him or any one else; certainly much less than there was in Great Britain at that time. And since our independence Great Britain has so managed them, notwithstanding our constant endeavors to civilize them and better their condition, as now to have a majority of them on her side. The cause is the same in her Government. There is less responsibility for public money than in ours; and, besides, she has secret service money, as much as the Minister wishes, and we have none. Our frontier settlements never can be safe, or even comfortable, while any European nation has the management of the Indians; and as long as any of them have Canada or Florida, I have endeavored to show that they will manage them. Let the United States have them, and the Western frontier would not require a cent for protection, and we should save all the expense of naval armaments on the Lakes. How much this might be no man can tell; because no man can tell what force will be sufficient to give us or any other nation the command over them; and we ought to command them for this plain reason: whoever commands them will command the adjoining country.

Some of the gentlemen who oppose the bill, have said they would vote money to defend the soil; that is, they would vote money to defend themselves, but not to defend the poor and almost friendless sailor who carries the produce of the soil to foreign markets, and without whose labor the soil would not be more valuable to us than it is to the savages; and at the same session that they will not vote money to defend him, they vote him thanks and money for his bravery and good conduct in a war which they call wicked and unjust. But they would vote money to defend the soil. I should like to hear from them in what

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manner they would attempt to defend the Western and Southern frontiers on a plan purely defensive; they could not rely on a few forts and garrisons, because the Indians would steal into the settlements and scalp within sight of the forts. A defensive war to give effectual protection against Indian depredation and murder, would require more men and money than the most active war of invasion. If those who talk so much about defensive war would only take the trouble to inquire of the veteran patriot from Tennessee, who sits before me (Mr. SEVIER,) who has probably been in more battles against the Indians and British than I am years old, he would, I expect, inform them, that experience had taught him that the frontier people could not be defended by forts and garrisons against savage invasion and massacre.

I agree with the gentleman from Massachusetts, (Mr. PICKERING,) that wars have been heretofore carried on for property, and will add, that the quasi war with France was for property, and those then in power voted money without any difficulty whatever. But this war differs from all others in this respect, at least, that it is carried on for the rights of the poor and not for the property of the rich; and this is the only country in the world where the rich and the poor are really equal, and where the poor have as much power as the rich; in all others the poor are almost friendless and without any share in the Government. This war is not for property. Therefore it is, that those who claim to have the most wealth are not willing to vote money to support a war carried on for the rights of the poor. The rich are not always willing to relieve the poor, or Lazarus would not have remained unfed at the rich man's door, nor would our poor sailors have wanted the protection of their country or the aid of those who had got rich by their voyages; more noise would have been made for the impressment of twenty rich merchants than for the impressment of twenty hundred poor sailors, and in a war to release and protect them the want of money would not have been heard of. The war of the Revolution was to prevent being taxed without our consent, and I should be glad to know, whether there is one man in the nation who had rather be impressed than to pay a trifling tax on tea, imposed without his consent or that of his representatives. Impressment must be also without his consent. That war was to prevent being taxed when Colonies, by the British Parliament, without our consent; and this war is to prevent being taxed now we are independent by the British Government without our consent; for impressment is a tax of the most grievous kind. All taxes must be paid by the produce of labor, but the tax of impressment not only deprives the sailor of the right of laboring himself, but confines him and forces him to fight not the battles of his country, but those of a foreign nation, who taxes him, receives the tax and forces him to fight her battles. In fact impressment is not only a tax, but the most detestable tyranny and oppression that ever was practised by one independent nation over

another. Can it be possible, Mr. Speaker, that the men who so gloriously resisted the tax on tea; the men by whose patriotic efforts you now sit in that chair, would, when independent, submit to impressment, nay, that they would have collected documents to prove impressment, a fact known to every man in both nations? What would have been their feelings, when they knew that their countrymen who had been impressed before war was declared, had, after it was declared, been ignominiously flogged for refusing to do duty; that is, to fight against their own country? Would the tax on tea have gone to the hearts of these men, and impressment have been borne by them with patience? Impressment is as much worse than the tax, as freedom is better than impressment.

A complaint has been made, with a very long face, that this war will cost money. The friends of these gentlemen made no such complaint in the quasi war. It is, however, certainly true that it will cost money; so has every war that ever was. And if we determine not to defend our national rights, we shall soon have none to defend. But, sir, had calculations like these we have heard deterred our fathers from carrying on the war in which they were engaged, we should not have been free, nor now debating, in this elegant Hall, whether American sailors should also be free. They wanted both men and money, but they persevered to the end, and obtained that for which they contended—liberty and independence. If we only follow their example we shall establish sailors' rights and free trade.

Much has been said about a national debt. No man dislikes one more than I do. It never was my opinion that a national debt was a national blessing. And I dislike taxes as much as I do a national debt; but I do not dislike them quite as much as I hate impressment; and before I would acknowledge the right of Great Britain to impress American citizens, I would bear as much of both as I could without complaining. I do not pretend to have more feeling on this subject than others have. Every man in the nation can form a correct opinion on the question, by supposing his own son impressed, and treated like others have been. It seems to me that to the parent there could be but little, if any, difference between impressment and death. This war has not been supported by me because a particular man is President, but because I thought we should lose, one by one, all our national rights, unless we defend them, and because I thought the sailors had the same right to protection that other people had. I care but little who is President; all I ask of him is to administer the Executive part of the Government well and economically. No President will ever please all, and he that has faithfully done the best he could for the nation, and is fully satisfied thereof, and has a clear conscience towards his God and neighbor, will probably be the best off, here and hereafter.

But that which seems to astonish those most who oppose the bill, is that the backwoodsmen, who never saw a ship before they came to this



city, should undertake to defend sailors' rights. By the Constitution it is as much their duty to defend them as it is the duty of any other part of the nation; but, leaving their Constitutional duty out of the question, nothing is more natural, than that their situation should compel them to feel for the distress of their countrymen in any part of the Union; especially, too, when their distress is produced by the same power which distresses their countrymen. It may be the effect of sympathy, something like this: If you, sir, were travelling, and to call at a house where you were not acquainted with any person who lived in it, and to find the father or mother of the family, or one of the children, dead, you would immediately feel for the distress of the living, and sympathise with them. The case of the backwoodsmen is much stronger than this; because, when they hear of impressment, they immediately think of their relations and neighbors who had been murdered and scalped by the savage foe, the ally of the Power who impresses their countrymen. These backwoodsmen want no defence for the part they have acted. The zeal and ability with which they have defended their national rights, both in this House and the field, want no defence. If a single waggoner, tobacco-roller, or hog-driver, from the middle country, should be scalped on his way to market, that whole country would immediately have feelings similar to those of the Western people and the people of Georgia, and, like them, convince the world that freemen roused are invincible. During the Revolutionary war it was not whispered that the then backwoodsmen had never seen a ship or salt water, or that they did not understand the tax on tea, or the Boston port act; and they certainly understand the cause of this war as well as they did the cause of that; and then their assistance was gladly seized, and their valiant deeds of that day have not been surpassed by those of late. That war, we have been told, was for property. They might then take part without a complaint; but as this is now for poor sailors' rights, they ought not to meddle with it! Many of the men who fought during the Revolution, I imagine, never saw nor tasted tea when the war commenced. I well remember that, in the part of the nation where I live, it was used in but few families, and in some of the few only on Sundays, or on some great occasion; and in that part of the country the people were not plagued with Tories.

Why, at this time, discuss the causes of the war? They have been discussed before; but then there was no negotiation on foot. I most sincerely wish that the negotiation may produce a treaty which shall be satisfactory to every man in the nation. One would naturally have supposed, if we had not seen to the contrary, that the hearts of all men in the country would have been turned at this time to two great points—the happy termination of the war, by the restoration of an honorable peace, or, in case the negotiation failed, to the manner best calculated to carry it on successfully. I repeat, that I wish for peace as much as any man; but rely on it, sir, that no peace can be

lasting which shall be obtained by a surrender of our rights. Disgrace the nation by a disgraceful peace, and the peace cannot last, unless the nation cease to respect itself; and a nation that does not respect itself will be treated by other nations rather worse than an individual is treated by society, who does not respect himself. What will be the effect of an honorable or dishonorable peace on the two parties? The question need only to be stated, and the answer is in the mouth of every man. If an honorable peace be made, and the rights we are justly contending for be pursued, the whole world will respect us—even the gentlemen themselves will respect us for not being driven from the line of duty by their own speeches; but if a dishonorable peace be made, and we meanly surrender the just rights of the nation, the whole world will despise us, and we ought to be put down. I will go a step further and say, that I believe if the gentlemen who oppose the war, and every measure connected with it, were now in the majority, that they would not make a disgraceful peace, and thereby surrender the rights we are now contending for, and that the necessary supplies would be furnished to carry the war on; nay, sir, I feel no reluctance in saying, that there are men opposed to me in politics to whom I should not be unwilling to trust the present negotiation, and that, too, without an instruction. I mean not by this to be understood as having objections to the present negotiators. If we could by any means convince Europe that our disputes were only of the family kind, and that any interference of hers would only more closely unite us, I believe we should never again experience much trouble from her. We ought to remember the great interest which the potentates of Europe took in the election of a King of Poland. This fact alone is enough to induce us to believe, that at least Great Britain and France would be willing to meddle in our elections if they could, and no doubt they look on them with some little concern.

We have had this session a subject before the House, the whole history of which I have been very anxious to know, and gave every vote I could to get it—I mean Turreau's letter. If the Administration acted as it ought to have done on receiving it, I should like to know it, and if it did not so act I should like to know it; however, let the history of this letter be what it may, the letter itself proves, like one read sometime past in his place by a gentleman from New York, (Mr. GREGVENOR,) written by a man who has been accused of more subserviency to France than any other in the nation, that there never was any French influence in the Cabinet; and we have heard more noise about Turreau's letter than about all the wrongs Great Britain has done us—more than about the one hundred and fifty-six American sailors which the gentleman from Massachusetts (Colonel PICKERING) admitted had been impressed. I must here remark, that this number differs very much from every other calculation that I have seen or heard. The letter of Commodore Rodgers, after examining some

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British documents which he found in some vessel he had taken, supposes the number to be much greater than had ever been thought in the United States; and the Secretary of State had reported the number to be more than 6,000, and Lord Castlereagh has acknowledged 1,600 in the British Parliament, and it cannot reasonably be supposed that he would acknowledge more than was right; on the contrary, it would not be unfair to suppose that many had been impressed of which he never heard, because they were impressed in every quarter of the world. This same letter seems to have displeased the gentlemen more than impressment or plundering on the ocean, or robbery, murder, and rape at Hampton. I have now done with this letter, and having at a former session stated my opinion about foreign influence, I will not now repeat it.

If, sir, there be any monarchy-men in the nation, and I hope there are not, (we however know there were some in the time of the Revolution, and I hope they have been convinced of their error and changed their political opinions,) do you not think that they would be pleased to hear arguments which we have heard about disunion and a separation of the States; would they not calculate that disunion and separation would produce disorder and confusion, and that these might provoke the people to think of a King, and the restoration of Charles II.? I cannot bear to think of such a state of things—I will quit the subject.

We have heard much about the rights of a minority. I hope that I understand them, and I never will knowingly violate one of them. I was politically brought up in a minority, and under the most rigid and severe majority that I have ever seen, and I never will imitate the example of those who abridged my rights when in the minority, by abridging the rights of any minority. It is not, however, the right of any minority to violate the laws, nor have the majority any claim on the minority except that they obey the laws. If laws should be passed which are unconstitutional or inexpedient, there are but two ways pointed out in the Constitution to get clear of them, which are, the people at the elections express their opinion, and their representatives carry that opinion into effect, and the courts of law can decide on the Constitutionality of a law when properly brought before them. If it were true, and I am sure it is not, that the Legislature and the Executive had done all the wrongs which have been charged to them, it would not, according to the Constitution, justify any attempt to change the law, only as before stated. The President may be impeached, but that has nothing to do with a violation of the law by any other person.

Admit that the Administration has managed our own affairs as bad as has been stated, (which is not admitted,) can that give Great Britain any right or cause to impress our citizens or to plunder our property? We might complain, and if we thought proper change our rulers; but it is nothing to her how our affairs are managed, nor can improper conduct of any Administration, so

far as it concerns ourselves, give cause to any foreign Power to violate the laws of nations against us. I, however, hope that the Administration is able to maintain and defend our rights, provided we furnish the ways and means, but without these it cannot be done, and without them the gentlemen need not dread offensive war either on land or water, though they do not seem to have any objection to the latter, nor can their favorite system of defensive war be carried on, and we must of necessity return to the old plan of begging and soliciting, not now as heretofore for justice, but for mercy; and we have already tried for justice twenty years, and until neither Great Britain nor France would scarcely answer our applications. We have by persevering experience demonstrated to the world, if it never was before demonstrated, that a begging nation cannot maintain her rights nor prevent injustice by begging; we have also demonstrated that if Great Britain and France agreed on nothing else, they agreed to do us all the injury they could. We must depend either on American valor or British magnanimity for the maintenance and support of our national rights, and I am for depending on American valor. Louis XIV of France and the United Provinces have both tried begging, and both begged of Great Britain, and succeeded no better than we have done, and not long since several Powers in Europe tried it with France, but without success.

We have been reminded of the enormous debt of England, and at the same time of her great wealth and resources. In her career of debt I wish not to follow her, nor in the cause which produced a great part of it, which was the taking part in almost every war which has happened in modern Europe, by raising about one-half to fight the other on land, that she might become mistress of the ocean.

The management of the war has been brought before us: I feel no hesitation in stating it as my opinion, that the military operations in the neighborhood of Lake Ontario have not been well managed, but on the lake, Commodore Chauncey did as much as could have been expected from any man; and it is due to his antagonist, though an enemy, to say that he was qualified to command against Chauncey. But in a country like ours, where we keep in time of peace but a small standing army, great success against trained troops ought not to be expected at the first breaking out of the war; and whenever peace shall be established, I hope to see the Army reduced to the old Peace Establishment. When we speak of the attempt to invade Canada, we ought to recollect the Indian war carried on under the Administration of General WASHINGTON, who certainly knew the merits of every Revolutionary officer better than any man in the nation, and who was a complete judge of military men and affairs; yet the first two commanders which he selected were both defeated; and when the third defeated the Indians, they took shelter under a British fort and garrison, which fort had been recently built within the limits of the Uni-

ted States, and thus saved themselves from the pursuit of the victorious troops.

We have been told, again and again, that the loan will not be obtained. It is probable that no man in the House knows that it certainly will; but, having heard the same said last year, and the loan for that year having been made without any difficulty, and on quite as good terms as the \$5,000,000 loan made under a Federal Administration, I hope that it will, and that the gentlemen, at the next session of Congress, will find themselves a second time mistaken about the loan. I feel no hesitation in stating it as my opinion, that if it be not obtained, and the reports which we have heard be true, that the people of Boston will not lend, that the cause of the failure may be traced to the enemy, (the gentlemen from that part of the country will pardon the expression.) Nearly all the money in the nation, it is reported—and it has also been said, I believe, in the House—is travelling to Boston for goods. What produced this? The blockading proclamation, which includes all the country from New York to the South. If, therefore, the people of Boston will not lend, and the enemy, by his proclamation, causes the money of the nation to travel to Boston for goods, does it not follow that the cause of the failure may be traced to him? If this shall be the state of things, it unquestionably follows that the enemy, by his proclamation, regulates the loan. But if, from any cause whatever, the loan cannot be obtained, and the people cannot or will not pay taxes, there is but one poor consolation left to those who believe that the war could not have been avoided without surrendering all pretension to independence, by acknowledging that the national rights could not be supported, and who now believe that every effort ought to be made rather than submit to impressment—that is paper money; and no man is more opposed to paper money than I am; and this, I believe, is known to every person with whom I am well acquainted. Every exertion ought to be made to do without it; and, before it be made, the question ought to be that of surrender at discretion; and before the nation should surrender her rights to British discretion, I would consent to paper money—necessity alone may justify—necessity compelled the old Congress to use it, and it justified them, too. With all its evils and depreciation, it was necessary to them to establish the liberty and independence of the nation, and the same necessity would justify us to use it to maintain them. France was compelled to use it at the commencement of her late troubles, and by the use of it she vanquished the combined Powers; and Great Britain, in her turn, is now beating France with it; for her bank paper is nothing more than paper money at present; so that Great Britain, in the plenitude of her power and wealth, has been compelled to yield to necessity, and to have paper money, by which she is likely to humble her great rival. I wish it to be distinctly understood, that I am not the friend of paper money of any kind; indeed, I have stated the only condition on which it ought to be thought of.

Again, if money cannot be had to carry on the war, of what real advantage have the brilliant victories of the Navy been to the nation; or will any good effect be produced by them? They will neither be the means of getting peace, nor securing us against future injuries; it is only by firmly maintaining our rights that such a peace as we ought to have can be acquired, and only such conduct will secure us against future injuries. Will any of the men to whom the thanks of Congress have been voted for their good conduct, value the vote, when the same Congress refuse to supply the money necessary to carry on a war which was forced on the nation, and which they, by their gallant actions, believe to be just?

My colleague (Mr. PEARSON) said that a shock given to a bank or banks, (if I misstate him. I hope that he will correct me; I have no desire either to misstate what was said by him or any one else,) I did not distinctly hear which, might endanger the public credit. The credit of the country is not bottomed on banks, but on the honesty and industry of the people, and a belief that no Administration dare to violate a public engagement, when the public faith has been constitutionally pledged. I do not believe that either my colleague or myself are prophets, or that we can see further into futurity than other people; and I am a little apt to doubt the predictions of any man or men who have made them before without their coming to pass; and it must be recollected, that when the charter of the United States Bank was about to expire, that we were told that if the charter was not renewed, the public credit would be destroyed, and the nation probably convulsed. The charter did expire, and the Bank went out of existence like the snuff of a candle, scarcely perceived by any one.

[Mr. PEARSON explained, and stated that he had said, that if one of the banks should have subscribed to the loan to a considerable amount, and anything should occur to prevent it making the payment it was thereby pledged to make, it would to that amount affect the finances of the Government.]

Mr. MACON said, that it might, in such a case, affect the revenue was probable; but even that could not affect the credit of the nation, because the fact would show that the bank and not the nation had failed. The failure of a bank in which the nation had no concern, and the credit of the nation, are two distinct things, and not at all connected. He would acknowledge that he felt almost ashamed at having said a word on the subject, after the House had heard the able speech of the gentleman from South Carolina, (Mr. LOWNDES.) The recollection of it would stop him.

The same gentleman said, that no man believes that we can prevent Great Britain impressing her own subjects. I, in my turn, say, that I do not believe that there is a man in the country that will ever attempt it. We have nothing to do, nor never had, with her impressing her own subjects; it is her impressing American sailors.

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who ought to be as free from it as we are, of which we have complained, and for which the war is now carried on. She may do what she pleases with her own subjects, and it will never trouble me, though I should be sorry if she was to hang them, because we will not consent that she shall impress ours; all we ask of her is to let ours alone. Old as I am, I would rather serve seven years as a private soldier in the Army, than be impressed by a British officer, and forced on board one of her public ships, and there compelled to serve one month. No man, it seems to me, can bring the question of impressment home to himself or his son, and then consent to permit it one minute. If a son be taken by the Indians, do not the father and neighbors pursue the Indians to retake him? And being taken by the Indians is not worse than impressment.

I also understood the same gentleman to say, that the British Government offered some time ago to make an arrangement on the subject of protections. This offer was like every other one from that Government—it was like a jug handle, as we say in the country, all on one side, there was no reciprocity or equality in it—none but Americans were in the offer to carry protections, and the Americans had long before by sad experience found out that they were of no value, because the British officers would not respect them. If that Government was really desirous to have the impressment of American citizens put an end to, it is only necessary for it to issue one order forbidding it, and it will be ended. The inference drawn from the fact by my colleague, is not, in my opinion, supported by it; and every official paper from the Administration to the British Government, shows an anxious desire to have avoided war. It is certainly true, as he stated, that in the arrangement made with Erskine there was no provision for protecting our sailors from impressment; but this, instead of proving a desire in the Executive to go to war with Great Britain, proves, it seems to me, exactly the contrary; it proves so strong a desire in the Executive to continue at peace, that for it the rights, or rather the liberty, of a part of the American people, was to be left to the will of every British officer who had authority to impress. But, although no provision was made for protecting our sailors against impressment, the British Government refused to ratify it. The offer made to Admiral Warren to treat on equal terms; the offer made by Mr. Russell to the British Government; the ready acceptance of the mediation of Russia, and the ready acceptance of the offer to treat at Gottenburg, after Great Britain had refused both the other offers, and the mediation of Russia, all prove the most sincere desire the Executive had to avoid the war, if it could have been done, and to restore peace since the war was declared. In making arrangements, Mr. Speaker, on the subject of impressment, I should like the Administration to adopt the saying of a good lady to her husband, in the State from which you come, which was this—"if we are quality, let us be quality." And so, if we are a nation, let us be a nation—and let

the world know that Americans are not to be impressed.

My colleague, like many other gentlemen who oppose the bill, complains that the country is not defended, and charges the Administration with not defending it. If by defending the country is intended to convey the idea, that the whole frontier of the United States, North and South, East and West, be so defended that no enemy could put his foot within our limits, I agree with him that it has not been so defended, and I fear never will; nay, that it is impossible. Except the military operations in the vicinity of Lake Ontario, as much was done last Fall as could reasonably have been expected. But how can the Executive have men at every place where a vessel may come on our extensive seacoast, or where an Indian may approach the frontier, unless the men be furnished him by the Legislature? and I doubt whether a million would be sufficient to enable him to so defend the country that no enemy should put his foot in it. While the war continues we may expect that small parties will land in different parts of the nation, more with a view to plunder than anything else; and if there should not be any troops at the place, the people of the country will turn out to defend their wives, their children, and their property. When invaded, they will not, they cannot, and they ought not, to wait for an order either from the Governor of the State or the President of the United States to defend themselves. The gentlemen seem to speak of the protection which the Executive ought to afford, as if the Executive alone had the authority to raise both men and money, or as if the Executive was some uncommon being, which could itself see and protect every part of the nation. One day we are told that the Executive does not defend the nation, and that there is a want of energy in it. The real cause of the complaints as I understand them have not been mentioned. They are the British orders and the French edicts. We, however, hear nothing of them; they seem to be forgotten, while we hear it daily repeated that the country is not defended. If the country is not defended, furnish the means and it will be done: and if the means be not furnished we must fold our arms and wait with patience, until Great Britain will in her tender mercy refrain from attacking us, and grant us such a peace as may suit herself.

My colleague said that he would not give his claim on Bonaparte, and he did not appear to value that very high, for his part of the unsettled land of Canada, if it should be taken. I do not know any rule by which the value of either could be ascertained, therefore cannot say which would be most valuable, or whether it would be a good or bad bargain to give one for the other. I will, however, say that I would not give the little claim which my descendants may have to our Western country for all the claims on Bonaparte. Although the Western land may not produce the revenue which many have expected, it is certainly of great advantage to the nation in this respect, if in no other, that it enables every man who wishes

it, by moving, to become a landholder on moderate terms, and to better his condition. I appeal to all who have gone to that country for the truth of the statement. In this Congress there is an extraordinary collection of young men of talents. The Western country, like every other part of the nation, has her share of them. Who can look at them and not be proud that he is an American? Young in years, but old in experience; an honor to their parents, an ornament to their country. A friend of mine was here last Winter, who had been in the habit of attending to the proceedings of Congress, expressed his surprise at seeing them, and said that he had thought from reading their speeches they were much older than he found them to be. It is, I think, in some measure, owing to our happy form of Government, that we have such men. It is calculated to stimulate and to make great characters, particularly great orators. The various meetings of the people, the State Legislatures, and this House, and I might add the courts of justice, and all places which have a tendency to promote public speaking. Indeed the fathers of the country, it seems to me, if they had nothing else in view, could not have formed a more perfect plan to encourage the rising generation to be great and to be virtuous; in this view I consider the Western country a very great benefit, because it gives more room for young men to try their talents; some that may not succeed from an accidental cause in one place, may in another. Notwithstanding this and all the other advantages of the Constitution, we have heard disunion talked of in this House, the foundation of which was laid to perpetuate the Union, by the greatest man of the age. To dissolve the Union and destroy the Constitution, would be to throw from us as great a blessing as kind Providence has bestowed on any people in modern times; it would be to acknowledge that we could not be governed by reason, and that party feuds had got the better of our best judgment and destroyed our greatest happiness.

We have heard a great deal about faction. I agree with the gentlemen that a faction, wicked and corrupt if they please, may be either a majority or a minority; and add, that I believe there have been examples of both, and that England, during the time of Cromwell, had a factious minority by whose contrivance or by his management of them, he got the command of the army, and by the army the command of the kingdom. The history of every country that ever was free informs us that faction destroyed the liberty of the people, and we have heard enough of the wickedness of faction in revolutionary France, to admonish and persuade us to keep as clear as we can of its terrible effects. But how is a wicked and corrupt faction to be known? It is only by their doings; from their acts they must be judged, and by this rule all parties ought to be judged.

My colleague, like many others, advises us to repeal the act laying an embargo, and told us if we would that the capital of the people would be put into circulation, and that it would be the

means of the Government getting money. He advises us by what means we may get money, though he will not vote for the bill. If I thought his advice good I would follow it; but of that I have some doubts. That the capital of the country may be put into more active operation by the repeal, may be true; but it does not follow that the Government would get money more readily; that must depend on the demand for money here and in Europe. If the demand be greater there than here, then it will not aid the Government, because money, like every other article of trade, will be sent to the market where it will bring the highest price; of course, if the demand be greater in a foreign market than at home, more will be exported than will be imported; but the embargo was not laid to enable the Government to get money, but to prevent the enemy from getting a supply of provisions; and if it be repealed, the object for which it was laid will be abandoned. Repeal it, and his provisions will not cost him half as much as they will with it not repealed. Repeal it, and Halifax will become the receptacle of our provisions by means of neutrals or pretended neutrals, and no more complaints will be heard in the British House of Commons of the enormous expense of the armaments on the American station; but to lay it in the Winter when the coast could not easily be blockaded, and take it off on the approach of Spring when it can, would be to act strangely indeed. That is, put it on when our vessels might go out without danger, and take it off when they cannot. England herself could not be displeased at such doings; indeed it appears to me that it would exactly suit her. Again, repeal the embargo, and let Spain, who is contending for her liberty, get provisions. I do not understand that Spain is contending for liberty, certainly not as we enjoy it, but for the King that shall govern her; and so far as self-government may be concerned I wish her success, and that she may have the King she prefers, be he whom he may; but the liberty of the subject is never cause of war between Kings; any one of them may oppress his subjects as much as he pleases, and no brother King will quarrel with him for that alone, and as I dislike Kings as much as Joshua did, I care not who any nation may have for King. I wish them, however, all to have the person they prefer.

My colleague also said that Great Britain could not conquer France. With the war between Great Britain and France we have nothing to do; they have both treated us in a manner not to command our respect. I hope, however, that Great Britain cannot conquer France nor France Great Britain, nor any other nation; they are both powerful enough as they are, and both willing to have more power. Great Britain, however, has had a greater probability of conquering France, than France ever had of conquering her. The war between them cannot give Great Britain any right to impress American citizens, and it is to prevent their impressment that the war is now carried on by the United States.

My colleague also said there was no opposition

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made by the Federal party for several years after Mr. Jefferson came into office. In this he is mistaken; for I well recollect the repeal of the internal taxes was as much opposed then as this bill now is; there was at that time no necessity for the taxes, and on that ground they were repealed. The repeal was then called oppression by the Opposition, and they also told us that it would destroy the public credit. In this, as well as all the other predictions made by them at the time, they were mistaken. When the repeal of the taxes was called oppression, the then eloquent chairman of the Committee of Ways and Means replied, it was an oppression of a new kind, and one that the people would not complain of; and they were then assured that taxes would be laid whenever it should be necessary, and when they were necessary they were laid. So that the same party opposed the repeal of the taxes when they were not necessary, and the money which they would bring was not wanted in the Treasury, and opposed the laying of them when they were necessary and the money wanted in the Treasury. Again, during the same period there was a debate which continued as long as this has done, and was quite as violent; it was on the repeal of the act generally known by the name of the midnight Judiciary Act; the act by which some of the then Federal members of Congress contrived to get the appointment of district judge, that was to provide for themselves while they had the power. It was on this repeal that the people were called their own worst enemies by Federal members of Congress.

I am sincerely sorry that my colleague has thought it necessary in this debate to state what was done at any election in the State, or what was the Democratic doctrine in that part of it where he lived. I shall leave the ticket and illumination with him and our colleague, (Mr. YANCEY,) with a single observation, that the doctrine stated to be Democratic was formerly published as Federal by high authority; and that intolerance, according to my understanding, is not a Democratic principle; and the first time I ever heard party intolerance mentioned and supported in Congress, was by a distinguished Federalist, who said, in his place, that the Federal Administration ought to turn every man out of office who did not agree with it in politics; and the advice was pretty well followed. The best and most tolerant among us is often, no doubt, wrong; perfection is not the lot of man; but intolerance, whether in religion or in politics, cannot always be right; argument and reason cannot be used to benefit one who is really intolerant. But, sir, truth has nothing to fear from intolerance, as we have seen; only let the liberty of speech and the freedom of the press be as it now is, and truth will triumph. I dislike all intolerance, no matter from whom or what party it may come; it is an attempt to tyrannize over the mind. I had hoped that the State which we in part represent had been free from it, or at least from the violence of it. I cannot forbear here to remark—and I take not only pleasure, but pride

also in doing it—that in that State no person has been turned out of office on account of his political principles by the Republican Administration. Party itself is not so very injurious in a free country; it is, probably, rather an advantage; but the vindictiveness and intolerance of it is a most serious evil, and whenever it assumes the vindictive and intolerant character, it is a certain mark that the worst men of the party are in the lead.

I come now to remark on the observations made by my colleague (Mr. GASTON.) He said that he wanted practical security for our sailors; and that impressment was a grievance too intolerable to be borne. This exactly is what we say, and it seems to me that must forever settle the question about the justice and propriety of the war. No comment on these words could make their meaning more plain or impressive; and the Government has surely made every effort before war was declared which could be thought of, to obtain practical security for our sailors against British impressment, without obtaining it; and this grievance, too intolerable to be borne, must be borne, or opposed by force. I once thought, and so expressed myself on this floor, that it might be obtained by an appeal to her interest. But this appeal has been made, without producing the least effect—indeed, while we suffer impressment, no arrangement by which practical security for our sailors would be obtained would suit her as well as the convenient practice of impressing them, because by it she keeps her ships well manned wherever they may be. I should have been highly gratified if my colleague, who is very capable of forming plans, had told us whether he had formed one by which practical security for our sailors could be obtained. His telling of his desire, without giving a plan by which it was to be carried into execution, was leaving us exactly where he found us—in fact, he did not even suggest a remedy for a grievance which he declared too intolerable to be borne. Every expedient, it seems to me, which the wit of man could devise, has been tried, and tried in vain. I verily believe, state the question of impressment fairly to every man in the State which we are from, and that every one of them will agree with my colleague, that impressment is a grievance too intolerable to be borne. Notwithstanding he has told us five men of the name of one of his constituents had been killed, and they all had protections, this fact did not, however, convince him that impressment was not a grievance—nor would it convince any other man; admit all the five men were British subjects, and that protections have been bought and sold, as I believe they have, and it only proves that British sailors are not willing to be impressed to fight the battles of their own country; and, gracious God! can anything like this give Great Britain a right to impress American citizens? And why, sir, should our sailors carry a pass, when the sailors of no other nation carry one? What would be thought were we to ask Great Britain to give her sailors a pass? and we have the same right to ask it of her as she has of us. Whether she has impressed only one hundred and fifty-six, as has been stated by



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the gentleman from Massachusetts (Mr. PICKERING,) or one thousand six hundred as stated by Lord Castlereagh, or more than six thousand as reported by the Secretary of State, or more than that number as Commodore Rodgers supposes in a letter written after he had examined some British documents which he had taken—and permit me here to observe that the British Minister ought not to be suspected of having stated the number too large—the question as to these impressed men, is nothing more or less than this; have they a right to the protection of their country, and the country to which they owe allegiance? If allegiance and protection ought to be reciprocal, the war question ought to be forever settled. For what purpose do men enter into society and form governments? Is it not that each shall be protected in his person and his property by the force of the whole? If this be the fact, are we not bound to try to protect those who have been impressed? and if we are not bound to protect them, would we be bound if the number was one hundred and fifty-six thousand? Remember that England was once so averse to protecting herself, that, after suffering much from those who pillaged and plundered her, she at last hired others to defend her, and that they in their turn become her oppressors. War is certainly a great national calamity; but that nation which will not defend itself, will, like the country just mentioned, find a greater calamity than war.

My same colleague also said that proper efforts should be made to settle the question by treaty, and, that if Great Britain afterwards persisted in impressing American sailors, that he would support the war to the last. This, like the sentence just noticed, is very elegant, and, like that, cannot produce any beneficial result, because he never told us what he would consider a proper effort, and after the repeated efforts which have been made, it would be impossible to guess what sort of a one would be satisfactory to him. It is true that he advises to suspend the invasion of Canada until the negotiation is ended. Whether an attempt will be made to invade it before the negotiation be ended, I do not know; but I am sure of this, if we are prepared to do it, it ought to be done, unless both parties agree not to molest each other pending the negotiation. He also said that if we invaded Canada we should attack men with whom we associated as friends. This may be the case, but is it not the case in every war where nations border on each other? But, worse than this, brother was to put the bayonet into the breast of brother, and those rocked in the same cradle were to kill one another. This, I imagine, cannot be the case until the right of expatriation be admitted, and it has been denied by those who oppose the bill, because the refugees who went to that country would now be too old to perform military service, if living, and they are the only subjects in that country who can have much kin in the United States without expatriation. But, if this argument about kin has any force, does it not apply as strongly to one side as the other? And what evidence have we the enemy will re-

spect it? And if it applies on land, does it not apply on water? And if it applies to invasion, does it not apply to impressment? But these Canadians are surely a most uncommon people. At one time they are our brothers, friends, and associates; at another, they are French Refugees and Old Tories. Their country, too, must be something like themselves. At one time, it is so valuable that Great Britain will never part with it, and at another, it is so poor that it would be a curse to the United States; at one time the whole nation cannot take it; at another, a single State, and that not a large one, can take it with ease. The war, too, is to be as uncommon as the people or country; it is to partake of the character of a civil war, to engender a spirit of ferocity which will destroy everything before it, and to produce an internal, servile war. The character of the war will depend on the enemy. Let Hampton and Raisin witness the kind he prefers. There is but one act on our side, that I have heard of, which I wish had not been committed. I mean the burning of Newark. Though, in strictness, it might be justified by the conduct of the enemy in the Chesapeake, yet I would rather we had magnanimously have left it as we took it. As to the servile war, I have no dread of it. The few slaves which I have I should not be afraid to trust in any situation, and I believe my neighbors feel as easy on this subject as I do; and the old slaves well remember what became of those taken during the Revolutionary war.

He also said that a certain description of people from Europe had got possession of the printing presses. It is certainly true that newspapers on both sides have been edited by Europeans, and they may, for anything I know, wish to make their feeling the feeling of the nation. He might, also, have added that there were other people besides the printers from Europe, who were willing to make their feeling the feeling of the nation. But all the fuss about the influence of Europeans in the nation is, in my opinion, without foundation. Collect them all together, and they will have no more chance to influence the nation than I have to fly; and as to the press, it has been so abused of late that but few newspapers have any character, and their influence on public opinion is little indeed.

I intended, sir, to have made more remarks on the observations of my colleague, and on those of several other gentlemen; but I am admonished by a monitor who will be obeyed, that I must stop; and I feel the less regret at stopping, because if what the enemy did at Hampton since the war, and the practice of impressment for twenty years before, will not unite the nation in defending their just rights nothing that I could say would. If impressment, plunder, robbery, murder, and rape will not unite the people, words will not.

Before I sit down, I will endeavor, in a few words to compare our situation with that of Russia when invaded by France. Unable at first to resist, or to drive the invader out of her territory, she burnt towns and cities to prevent the invade,

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from finding shelter against the weather, and to let him know her determination not to be conquered. Was her cause more just and righteous than ours? It was not. France, with all her ambition and desire for conquest, had not impressed a single Russian to fight her battles; and shall Russia burn towns and cities to keep the crown on the head of her Emperor, and free America refuse to protect her citizen-sailors from British impressment? She who would not suffer them to be made slaves by Algiers, Tunis, or Tripoli, can never permit them to be impressed, and forced into bondage worse than Egyptian, by Great Britain. We must protect them or acknowledge that they are no party to the Constitution of the United States, which was adopted to establish justice, (and is justice established by impressment?) to secure domestic happiness, (and is domestic happiness secured by impressment?) to provide for the common defence, (and is the common defence provided for by impressment?) to promote the general welfare, (and is the general welfare promoted by impressment?) and to secure the blessings of liberty to ourselves and our posterity, (and does impressment secure the blessings of liberty to ourselves and our posterity?) Let the impressed and the oppressed answer.

When Mr. MACON had concluded—

Mr. WARD, of Massachusetts, obtained the floor and moved to adjourn.—Lost ayes 41.

Mr. FISK, of New York, required the previous question.

Mr. STANFORD, of North Carolina, moved to lay the bill on the table.

After some desultory and rather disorderly debate, in which Messrs. SEYBERT and FARROW opposed Mr. STANFORD's motion, the motion to lay the bill on the table was decided in the negative.

The House determined to have the previous question now put—ayes 91.

The previous question was then put in the following form, viz: "Shall the main question be now put?" and decided in the affirmative, for the previous question 93, against it 53, as follows:

YEAS—Messrs. Alexander, Alston, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Comstock, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Goodwyn, Gourdin, Griffin, Grundy, Harris, Hasbrouck, Hawes, Ingersoll, Ingham, Irving, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McLean, Montgomery, Moore, Murfree, Nelson, Ormsby, Parker, Pickens, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Robertson, Sage, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Williams, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Culpeper,

Davis of Massachusetts, Dewey, Ely, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Hopkins of N. York, Hungerford, Kent of New York, Law, Lewis, Lovett, Macon, Markell, Miller, Moffitt, Moseley, Nelson, Pearson, Pickering, Post, John Reed, Ridgely, Ruggles, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Sturges, Taggart, Tallmadge, Vose, Ward of Massachusetts, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

The said main question was then taken, to wit: Shall the bill pass? and passed in the affirmative—yeas 97, nays 55, as follows:

YEAS—Messrs. Alexander, Alston, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Comstock, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Goodwyn, Gourdin, Griffin, Grundy, Harris, Hasbrouck, Hawes, Hungerford, Ingersoll, Ingham, Irving, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Robertson, Sage, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Williams, Wilson of Pennsylvania, Wood, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Culpeper, Davenport, Davis of Mass., Dewey, Ely, Gaston, Geddes, Goldsborough, Grosvenor, Hale, Hopkins of New York, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ruggles, Sheffey, Sherwood, Shipherd, Smith of New York, Stanford, Sturges, Taggart, Tallmadge, Vose, Ward of Massachusetts, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

Ordered, That the title be "An act to authorize a loan for a sum not exceeding twenty-five millions of dollars."

FRIDAY, March 4.

The SPEAKER presented a petition of sundry inhabitants of the District of Columbia, praying that the act laying an embargo may be repealed, or so modified as to permit them to export their produce to the Eastern States.—Laid on the table.

The amendments of the Senate to the bill "for the relief of James Crawford," were read, and referred to the Committee on the Public Lands.

On motion of Mr. KING, the Committee of the Whole, to whom is committed the bill to authorize the Secretary of the Treasury to subscribe, on behalf of the United States, for shares in the capital stock of the Chesapeake and Delaware Canal Company, were discharged from the consideration of the petitions presented by him on

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the 29th of December, from sundry inhabitants of North Carolina, and they were referred to the select committee appointed on the first instant, on petitions from other inhabitants of that State.

On motion of Mr. LOWNDES, the Committee of the Whole to whom are committed the bill from the Senate, in addition to the act, entitled "An act allowing a bounty to the owners, officers, and crews, of the private armed vessels of the United States;" and the bill of this House, authorizing the President of the United States to cause to be built or purchased the vessels therein described, were discharged from the consideration thereof, and the said bills were committed to the Committee of the Whole to whom is committed the bill from the Senate, "to authorize the President of the United States to cause to be built, equipped, and employed, one or more floating batteries for the defence of the waters of the United States."

The resolution from the Senate for furnishing, by transmission of the mail, Judges of the Courts of the United States with a copy of the laws, printed at the end of each session of Congress, having been reported with an amendment, including also the Territorial Judges, was, after an ineffectual attempt to recommit the resolution to the Committee on the Judiciary, referred to the Committee of the Whole, to whom is referred the bill concerning Post Offices and Post Roads.

The bill from the Senate to incorporate the Fire Insurance Company in the town of Alexandria, in the District of Columbia, as amended in this House, was read a third time, and passed.

The House then spent some time in Committee of the Whole, on the bill to authorize payment for property of individuals captured or destroyed while in the public service by the enemy.

Some desultory discussion took place on the details of the bill, in which Messrs. ARCHER, DESHA, INGHAM, NELSON, and FARROW, took part; and as there appeared to be considerable difference of opinion in relation thereto, in order to give time for further considering the same—

On motion of Mr. KING, of North Carolina, the Committee rose, reported progress, and obtained leave to sit again.

#### APPROPRIATIONS.

On motion of Mr. EPPES, the bill making appropriations to support the Military Establishment of the United States for the year 1814, passed through a Committee of the Whole, the blanks therein being filled with the following sums:

For pay of army and militia	\$8,505,360
For forage to officers	264,576
For subsistence	4,377,470
For camp and field equipage	460,000
For medical and hospital department	255,000
For bounties and premiums	2,540,000
For clothing	2,036,000
For Quartermaster's department	3,500,000
For ordnance stores, &c.	700,000
For fortifications	500,000
For contingencies	700,000
For Indian department	454,500

Thus amended, the bill was ordered to be engrossed for a third reading.

On motion of Mr. EPPES, the bill to support the Navy of the United States for the year 1814, then passed through a Committee of the Whole, and the blanks therein were filled with the following sums:

For pay and subsistence of officers and seamen	\$2,579,341 00
For provisions	1,439,902 52
For medicines, &c.	120,000 00
For repairs of vessels	1,500,000 00
For ordnance, &c.	300,000 00
For contingent expenses	500,000 00
For navy yard, &c.	100,000 00
For pay, &c., of marine corps	218,279 50
For clothing for same	71,788 10
For military stores for same	27,608 75
For contingent expenses of same	46,000 00

The bill having been thus amended, was ordered to be engrossed for a third reading.

#### CLOSE OF THE SESSION.

Mr. MACON, of North Carolina, from the joint committee, reported as follows:

"The committee appointed on the part of the House, jointly, with the committee appointed on the part of the Senate, to ascertain when the two Houses can be adjourned without detriment to the public service, have carefully examined the state of business before both Houses, and report, as their opinion, that they may be adjourned on Monday, the 11th day of April next, and submit the following resolution:

"Resolved, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Monday, the eleventh day of April next."

After the rejection of two motions to postpone and lay the report on the table, on which some little desultory debate took place, the report of the committee was concurred in by this House.

#### FLOATING BATTERIES, &c.

The House, on motion of Mr. LOWNDES, of South Carolina, resolved itself into a Committee of the Whole, on three several bills referred to said Committee of the Whole, viz: the bill from the Senate authorizing the building of certain floating batteries; the bill from the Senate giving a bounty to prisoners brought into port by private armed vessels; and the bill reported by the Naval Committee of this House, authorizing the President to cause to be built or purchased a certain number of vessels to carry not less than sixteen nor more than twenty guns.

No objection was made to either of the two first of these bills, the objects of which were severally explained by Mr. LOWNDES, the chairman of the Naval Committee.

The last mentioned bill being under consideration—

Mr. W. REED, of Massachusetts, required of the Chairman of the Naval Committee such information as he might be possessed of, touching

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the progress of execution of the law, passed a year ago for the increase of the Navy.

Mr. LOWNDES stated that, of the sloops of war ordered to be built, two were ready for sea, three nearly ready, and the other in forwardness. Of the other vessels, several were in a state of forwardness, but none of them yet launched.

Mr. REED said, he could not see the propriety of passing a bill to build these smaller vessels, whilst those of a larger class, already authorized by law, were not completed, and the crews of those already prepared for service were not yet completed, and, from what he had heard, he believed could not be readily made up, on account of the difference between the inducements held out to the land and naval service, &c. He was disinclined to vote for more vessels of the class now proposed, until the frigates, which he considered a substantial part of the Navy, should be built and manned.

Mr. LOWNDES remarked, that he did not consider the unavoidable delay in completing the larger vessels authorized to be built as any argument against building those of a smaller class. With regard to the difficulty alleged to exist in the recruiting of men, arising from the present high land bounties, he believed it did prevail, and that some measures might possibly be necessary in consequence; but he did not see the force of this objection against the present bill.

Mr. INGERSOLL, of Pennsylvania, stated, as the reporter understood, that, in a rendezvous lately opened for seamen, the recruiting service had been much more successful than was anticipated.

Mr. MCKIM, of Maryland, after stating the reasons, drawn from experience, which operated to induce him to prefer vessels of a smaller class than that proposed by the bill, moved to amend the bill by striking out the words from "sixteen to twenty guns, and inserting from "eight to sixteen guns," as the force of the vessels proposed to be built.

Mr. LOWNDES expressed his great respect for the opinion of Mr. MCKIM on this subject; but he had heard, from persons whose experience entitled their opinions on this head to some weight, that the small privateers first fitted out had been generally exchanged for those of a larger class. Mr. L., however, was willing so to amend the bill as to leave the rate of these vessels subject to Executive discretion, from eight to twenty guns, if that would meet the views of the gentleman. He added, that he had formed the opinion that, in general, too little latitude had been allowed to the discretion of the head of the Naval Department, and that the proper course would be, generally, to vote a certain number of men and a certain amount of money for the Navy, and leave the application thereof to the Executive. But a different policy had prevailed, to which he was willing to conform.

Mr. MCKIM consented to adopt Mr. LOWNDES's suggestion; and the bill was amended so as to fix the rate of the vessels at from eight to twenty guns.

Mr. REED then moved to amend the bill, by striking out that part of it which authorized the purchase of vessels of this description. He said, experience had demonstrated the folly of the practice of purchasing vessels instead of building them for the purposes of war; because not one in five, perhaps not one in ten, suited the purpose; and the expense of preparing them for the service, after they were bought, was almost equal to that of building them throughout.

Mr. LOWNDES said, he had no doubt the remarks of the gentleman from Massachusetts were perfectly correct as applied to large vessels, but the same objection did not apply to vessels of the size proposed, which might frequently be bought more advantageously to the public service than they could be built.

The motion of Mr. REED was negatived—ayes 41.

The Committee rose and reported the bills; and the latter bill, and that giving a bounty to prisoners taken by private armed vessels, were ordered to a third reading without opposition.

On the question of passing the bill authorizing the building of one or more floating batteries to a third reading, some debate arose.

Mr. POST of New York, Mr. GOLDSBOROUGH of Maryland, and Mr. KING of Massachusetts, objected to making an appropriation of so large a sum of money as half a million of dollars, to make a mere experiment; nor did they see why the experiment need be tested on so large a scale, or at the expense of Government. They preferred that the inventors themselves should first essay the practicability of the invention. They said they were unwilling to put the reputation of the nation at hazard on such a project by giving it, untried as it was, the sanction of the Government. Torpedoes, the utility of which had been so completely exploded, were held up as affording an example of the impracticability of these theoretical inventions. Besides, it was remarked by these gentlemen, however much respect they might be disposed to pay to the recommendation of the officers of the Navy, Captains Decatur, Jones, Lewis, Perry, &c., who had so strongly recommended this invention, or to the opinions of any member of this House, they conceived that the recommendation of some responsible officer of the Government was necessary to authorize Congress to pass such a bill.

To these observations—

Mr. MCKIM, of Maryland, replied that, however desirable it might be to husband the public money, there were other considerations of a more imperative character, such as the siege of our cities, the infesting our waters by the enemy, &c., which required the House to adopt any plan of defence presenting itself under such auspices as this, and so strongly recommended by several of the most respectable officers of the Navy, as well as the Naval Department.

Mr. SMITH, of New York, who had inspected the model of this floating battery very particularly, rose, as he said, with reluctance to oppose his opinion to that which appeared to be entertained

by those gentlemen (Federalists) with whom he generally acted. He said that the perfect efficiency of this model had been proved to him. If necessary to the defence of our waters, as he believed it to be, the expense ought to be no objection; his only objection to the present appropriation was, that it was not double as much. He spoke of the opinion of Commodore Bainbridge, with whom he conversed when at Boston last Summer, of the complete protection such a floating battery would afford to the harbor of Boston. The plan which this bill proposed to carry into effect was, he said, perhaps the most perfect thing of the kind ever proposed to any Government; the men would be perfectly protected, and the steam engine, by which it would be impelled, would be entirely out of reach of the enemy. If set on fire by red-hot shot, the fire could be instantly extinguished by water from the engine; and the same engine would keep boarders at a distance by the facility with which hot water could be ejected on them in almost any quantity, &c.

Mr. LOWNDES said, it was indeed an experiment, but so was every useful invention when first put into use. The true question was, is it an experiment which there is reason to believe may be beneficial to the country? He believed it was, from the evidence which appeared in its favor. It was, moreover, strongly recommended by the Secretary of the Navy, in a letter which he desired should not be made public, that the measure now proposed should be adopted. The bill, therefore, had the sanction, not only of the most distinguished naval officers, of the Naval Committee of this House, but of the Executive authority.

The question, on ordering the bill to a third reading, was determined by yeas and nays. For the bill 82, against it 44, as follows:

YEAS—Messrs. Alexander, Alston, Archer, Avery, Barnett, Breckonridge, Brown, Butler, Caldwell, Calhoun, Chappell, Clark, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Evans, Findley, Fisk of New York, Forney, Forsyth, Franklin, Goodwyn, Gourdin, Griffin, Grosvenor, Hall, Hasbrouck, Hawes, Hungerford, Ingersoll, Ingham, Irving, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Lefferts, Lowndes, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Ringgold, Roane, Robertson, Sage, Sevier, Skinner, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stanford, Tannehill, Taylor, Telfair, Udree, Whitehill, Wilson of Pennsylvania, Wood, and Yankey—82.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Brigham, Burwell, Caperton, Champion, Cilley, Cox, Culpeper, Davenport, Dewey, Ely, Goldsborough, Hale, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Moffit, Oakley, Pearson, Post, Potter, John Reed, William Reed, Ruggles, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Wheaton, Wilcox, Wilson of Massachusetts, and Winter—44.

So the bill was ordered to be read a third time.

SATURDAY, March 5.

Mr. KENT, of Maryland, from the Committee on the District of Columbia, made an unfavorable report on the petition of the Justices of the Peace in the counties of Washington and Alexandria; which was read and concurred in.

Mr. ROBERTSON, of Louisiana, from the Committee of Public Lands, reported a bill, extending relief to certain purchasers of public lands in the Mississippi Territory; which was twice read and committed.

Mr. R. also reported a bill to authorize the subdivision of the quarter-sections of the land of the United States; which was twice read and committed.

Mr. McKEE, of Kentucky, from the same committee, reported the agreement of the committee to the amendment of the Senate, to the bill for the relief of James Crawford; which was concurred in by the House.

The engrossed bill to authorize the President to cause to be built or purchased such vessels as are therein described, (not more than twenty vessels, carrying not less than eight nor more than twenty-two guns,) was read a third time, and passed.

The bill from the Senate to authorize the President to cause to be built, equipped, and employed, one or more floating batteries for the defence of the ports and harbors of the United States, was read a third time and passed.

#### BOUNTY ON PRISONERS.

The bill from the Senate to amend the act for giving an increased bounty on all prisoners brought into port by private armed vessels, was read a third time, as amended, in this House. On the question, Shall the bill pass?

Mr. POST, of New York, opposed the passage of the bill; which came before the House, he said, under unusual circumstances. There was no particular statement from any quarter laid before the House, exhibiting any sort of necessity for passing a bill of this description; without which, he said, he should suppose that gentlemen disposed to be influenced by fair considerations would not sanction the bill by their votes. Although, during a former session, on a representation that some encouragement was necessary to revive the drooping privateering system, additional encouragement had been held out to those who embarked in it, he did not conceive that any impression had been made on the commerce of the enemy proportioned to public expectation, or to the attention which Government had bestowed on it. Even admitting that the promises or expectations of the privateersmen should be realized in respect to the capture of prisoners, he did not believe the object sufficiently important in the prosecution of the war, to justify Congress in enriching the privateersmen out of the public Treasury. But their views could not be realized; and, conceiving that no beneficial consequences could result from the adoption of this measure, he hoped the bill would not pass.

Mr. WARD, of Massachusetts, said, unless there

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were very important reasons for giving away the public money as proposed by this bill, he did not see why it should pass. To encourage manufactures, or any undertaking promising correspondent or greater advantages to the community, Government frequently gave premiums or peculiar privileges; but he could see no reason for giving a bounty in the case now under consideration. If the fruits of the labors of those who adventure in these enterprises against the property of the enemy on the ocean, are not such as to reward them, he saw no reason why the money of the public should be paid to make up the deficiency, and the people be taxed for their benefit.

Mr. BURWELL, of Virginia, made a number of remarks, in reply to Mr. POST and Mr. WARD. These privateers, he said, were fitted out, not to take prisoners, but to take property; and it was much easier, and more to their interest, to set at liberty the prisoners they captured, than to bring them into port. The principle of this bill had been already recognised by law, in the allowance of twenty dollars for every prisoner brought in. But that allowance was by no means sufficient to defray the expense of maintaining the prisoners whilst at sea; and the bill proposed a bounty which it was supposed would indemnify them for bringing in the prisoners, and would afford a cheaper way of obtaining prisoners than any other. This policy had been heretofore adopted by other nations situated as we are, during a period of war, and among others by the Dutch and Spaniards. He did look upon this bill as presenting a question of affording a bounty to privateers, but he viewed it as a national concern, and as a step required by sound policy, to render more easy the acquisition of prisoners of war.

Mr. McKIM, of Maryland, said, that his object in advocating this bill was to get as many prisoners of war as we could, to balance accounts with the enemy, and enable us to redeem our fellow-citizens from captivity. The profit of privateersmen arose from the cargoes they captured, whilst the prisoners they captured were of little value to them when brought into port, but, owing to the amount of provisions and stores they consumed, were rather detrimental than beneficial to the captors. He did not know that there was any official account of the disproportion of prisoners in possession of the two nations, but in a conversation with the Commissary General of Prisoners, he had learned that Great Britain had two thousand more of our prisoners than we had of hers. This balance, according to the agreement of the two nations respectively to support their own people taken prisoners, created a dead expense to our Government, equal to the cost of supporting these 2,000 men. To get rid of this expense, and to relieve our citizens, many of whom were suffering extreme hardship, formed, in his opinion, a strong inducement to bringing in as many prisoners as possible.

Mr. WARD, of Massachusetts, observed, that from the statement of the case which had just been made, it appeared that we were in a very hopeful way in the prosecution of this war.

What, between the bounty of \$124 for enlistments, and the bounty of \$100 a man for men wherewith to redeem our people taken prisoners, this would be an expensive concern. Mr. W. said, that he was as little inclined to permit our citizens to remain in captivity as any one, and as willing to vote any money which should be proved to him necessary to relieve them.

Mr. McKEE, of Kentucky, on the ground that this subject was new to him, and required further consideration, moved that the bill lie on the table. For the motion 56, against it 59.

Mr. GOLDSBOROUGH, of Maryland, then made some observations against the bill, which, owing to his distance from the reporter, were not distinctly heard. He said, however, that this appeared to him to be only a roundabout way to fill the pockets of the privateersmen; and conceived that it would be much better to expend this money in bounties, in procuring men to man the navy which was to fight our battles. He was as willing as any man to relieve our citizens from captivity, but did not believe this would be an advisable or effectual way of doing it. He adverted to the prevalence of a disposition, which he saw with regret, to subvert the interest of the navy—the substantial defence of the country—by enormous bounties to soldiers, and reduced bounties to seamen, which induced almost all the seamen disengaged to enter the land service. He feared, too, it would be a system of warfare which was to be deprecated, destroying all the vessels captured at sea for the sake of getting the prisoners, &c.

Mr. FISKE, of Vermont, approved this bill, equally as a measure for annoying the enemy, and as an economical instrument for equalizing the account of prisoners between the two nations, and relieving us from the expense of supporting prisoners. He regretted that no measure could be proposed which would please gentlemen on the other side of the House. A short time ago our seamen were all starving, was the complaint, and now it was made a complaint that the ordinary wages would not tempt them to embark on the ocean. He should be much gratified if any one thing could occur which would gratify these gentlemen.

Mr. McKIM said he would add only one word as to the "hopeful way" we were in. He said, the difference of 2,000 in the account of prisoners was but a small difference in a national point of view; but how did it happen to be even so great as it was? Our seamen impressed on board British ships were, when the war broke out, thrown into British prison ships, and there compelled to remain as prisoners of war. Another reason was, that the British Government was more attentive to the security of its prisoners than we were; confining them in dungeons and prison ships, whilst those taken by us were suffered to go pretty much at large.

Mr. KING, of Massachusetts, said, when this bill was first read he was as hostile to it as any one could be, but since the fact was disclosed that the balance in the account of prisoners was against



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us, he was determined to give his vote for any measure which should have a tendency to relieve his suffering fellow-citizens. Will you, said he, permit some of your bravest men—your gallant tars—to remain in captivity, when it may be in your power thus to obtain their relief? If it be the fault of the Government that they are in captivity, I beg gentlemen not to visit the sins of the Government on your suffering seamen.

The question on the passage of the bill was decided in the affirmative—for the bill 83, against it 55, as follows:

**YEAS**—Messrs. Alexander, Archer, Avery, Bard, Bowen, Bradley, Brown, Burwell, Caldwell, Calhoun, Chappell, Comstock, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Desha, Duvall, Earle, Eppes, Farrow, Findley, Fisk, of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Ingersoll, Ingham, Irving, Irwin, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, King of Massachusetts, King of North Carolina, Leferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Nelson, Newton, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Robertson, Sage, Sevier, Seybert, Skinner, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Whitehill, Williams, Wilson of Pennsylvania, Wood, Wright, and Yancey.

**NAYS**—Messrs. Baylies of Massachusetts, Bayly of Virginia, Beall, Bigelow, Boyd, Bradbury, Brigham, Caperton, Champion, Cilley, Clark, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Ely, Geddes, Goldsborough, Hale, Hasbrouck, Hawes, Hopkins of New York, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, Lewis, Lovett, Markell, Miller, Moseley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ridgely, Ruggles, Stanford, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, White, Wilcox, Wilson of Massachusetts, and Winter.

#### NAVY APPROPRIATIONS.

The engrossed bill making appropriations for the support of the Navy of the United States, was read a third time and passed, without debate, by the following vote:

**YEAS**—Messrs. Alexander, Archer, Avery, Bard, Barnett, Bayly of Virginia, Beall, Bigelow, Bradley, Brown, Burwell, Caperton, Caldwell, Calhoun, Chappell, Clark, Comstock, Conard, Cooper, Cox, Crawford, Creighton, Crouch, Culpeper, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Geddes, Goldsborough, Goodwin, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hopkins of New York, Hungerford, Ingersoll, Ingham, Jackson of Rhode Island, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, King of Massachusetts, King of North Carolina, Leferts, Lewis, Lovett, Lowndes, Lyle, Macon, Markell, McCoy, McKee, McKim, McLean, Miller, Moffitt, Montgomery, Moore, Moseley, Murfree, Nelson, Newton, Parker, Pearson, Pickens, Piper, Pleasants, Post, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Roane, Robertson, Ruggles, Sage, Sevier, Seybert, Skinner,

Smith of Virginia, Stanford, Stuart, Sturges, Tannehill, Taylor, Telfair, Troup, Vose, Ward of Massachusetts, Ward of New Jersey, White, Whitehill, Wilcox, Williams, Wilson of Pennsylvania, Winter, Wood, Wright, and Yancey—121.

**NAYS**—Messrs. Boyd, Brigham, Champion, Ely, Hufty, Kent of New York, Potter, Thompson, and Wheaton—9.

#### MILITARY ESTABLISHMENT.

The engrossed bill making appropriations for the support of the Military Establishment for the year 1814, was read a third time.

Mr. WARD, of Massachusetts, addressed the Chair as follows:

Mr. Speaker, I am against passing the bill on your table. It contemplates appropriating the enormous sum of \$20,302,906 to the support of the Military Establishment for the present year. This sum, and three times as much more, as is manifest from the well-founded calculations of military gentlemen, will be expended in the course of this year, if the army is raised which is authorized by the bills which have been lately passed, and the war for the conquest of Canada is prosecuted with the degree of folly and improvidence which have hitherto characterized it in its course.

This appropriation will absorb nearly the whole sum which will be raised by the loan bill recently enacted. The terms upon which this money will be obtained, requires a more profitable application of it. When an individual raises money by sending his paper to market, it is considered a sure indication of impending bankruptcy, and is ever found to be the messenger of truth. When a Government, in behalf of all its citizens, raises money upon the terms which every individual would reject, were he a borrower, as too wasting and extravagant, they ought at least to be able to give a good account of the manner in which it has been expended, and the returns and advantages which are obtained. Bad economy in an individual, is bad economy in the public. But, sir, if this sum, or any larger sum within the resources of the country, was called for to build a navy for the protection of the commerce, and avenging the wrongs of our common country, against the aggression of any and all nations, whether English or French, barbarous or civilized, I should give my vote for it with great promptness and pleasure; but with a view to the conquest of Canada, or in the support of a war which I view not only to be weak, but wicked, I would as soon vote supplies to be expended in the invasion of Canada by land, as the investment of it by sea. We can as conscientiously pay for the shedding human blood on the plains of Abraham, as on the river St. Lawrence. If the character of the contest in which we are engaged, were that which is given to it by the President in his Message, I should be one of the last men in this House to oppose this appropriation; and sure I am that my constituents would expend their last dollar, and shed their best blood, in its support. If, sir, in the language of the

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President, "it appealed for its support to the pure principles of patriotism and the pride of liberty," in the section of country which I have the honor to represent, the withholding of supplies, the refusing to levy men, or raise money, or any other incident, would not impede its prosecution. If, sir, it appealed to these heaven-born principles for support, the citizens of Massachusetts, never insensible to them, notwithstanding the many dark surmises against them, and the many illiberal, not to say indecent remarks, to which they have been subject in the course of this debate, would be found where they ever have been, and ever will be, when those pure principles call them to action, in the front rank of effort and danger. This is the proud and elevated ground on which the true history of your country has placed them. In the glorious contest which achieved our independence, in which Massachusetts took counsel alone of her courage, her supplies of men and money were greatly beyond that of any other State in the Union, whatever may be their pride or their boasting. In a war in which "the pure principles of patriotism and pride of liberty" beat to arms, the place which has ever known Massachusetts would know her again.

Though the President has said that the war appeals to "the pure principles of patriotism and the pride of liberty for support," he has not condescended to show how, or in what manner, it does so. It rests wholly in assertion. And if he had said directly the reverse, the position would at least have been as well supported. In my mind, its character is the antipode of that which is given it by the President. The prosecution of it, after the revocation of the Orders in Council, was unjust, as it respects our enemy, and pre-eminently so, as it respects our own country. Not believing in the justice, necessity, or expediency of the war, I am against its farther prosecution; and it is my wish to admonish the Administration to effect an armistice, and make a peace by the only means which are left us, by shutting our hand and withholding supplies.

Some gentlemen seem to act under the impression that the minority are faulty in not concurring in the granting of supplies; that the Congress in 1812 having declared war, we are committed and must make the necessary provision for carrying it on. This I do not admit to be sound doctrine. We are as much at liberty to think for ourselves, and act according to our opinions, as our predecessors were. Acts of Legislatures which are in the nature of grants, it is true, are irrevocable, but the declaration of war is not of that character. An after Legislature, with reference to such an act, is not bound to effectuate the purposes of a former one. It is not only their right, but their duty, to rescue their country from destruction. This unjustifiable claim of superiority, on behalf of the last Congress, and of a sort of vassalage to them, on the part of the present, is not to be admitted or endured. Whether or not the war was just at the time when it was declared, is of no importance. To prosecute it without cause, is as unwarrantable as to commence it

without justice. After the revocation of the Orders in Council, I contend that we had no cause for prosecuting the war, which was just, even as it respects our enemy. But if it were just, as it respects our enemy, in the situation of our country it was unjust and cruel, as it respects our own country, and against the duty which the Government owes to its citizens. If we had just cause of war, as it respects our enemy and our country, it ought not to have been declared until negotiation had been fully and fairly tried, and the alternative of war or satisfaction had been presented to the enemy. If just cause of war existed, and negotiation had been tried and exhausted, to prosecute it by invading Canada, and carrying misery and destruction to its inhabitants, inasmuch as invading them has no tendency to enforce our rights, which are said to be violated, or to compensate us for the injuries said to be sustained, is wanton and cruel. The mischief done to them is merely gratuitous. To make a war just, as it respects our enemy, it is necessary that they should have done us an injury of such magnitude as to be good cause of war, not accidentally, but intentionally, claiming a right to do it, or in contempt of our rights, and that we should have called for satisfaction, and it should have been denied us. War is a tremendous evil, and ought not to be resorted to for light reasons. It is the last resort, the *ultima ratio* of man, and the greatest temporal scourge of God. It is with surprise and deep regret that I hear it spoken of with so much insensibility by gentlemen of the majority. The bloody, the wasting work of war, seems to be considered as an amusement, or a trifling game of hazard. Having failed in two campaigns, prosecuted at an amazing expense of blood, treasure, and human happiness, another effort is spoken of with as much *sang froid* as a second hit in a game of backgammon.

The misfortune of the world is, that they who declare war do not fight the battles and undergo the miseries of the field. Had the Congress which declared war sat on the snow-banks where Hampton's army encamped, their false or mistaken patriotism would have been cooled, their session would have been short, and we should have had no war. Let gentlemen visit the field of battle, view the bodies of the dead, and hear the groans of the dying; let them follow the maimed and the cripples through all the mazes and miseries of their wretched journey through the remainder of life; let them visit the friends of those who have fallen in battle, and witness their agonies and distress, and they will not expect to compensate for the aggregate of human misery in lofty, unmeaning expressions, of what is due to mistaken national honor.

To make a war just as it respects our own citizens, the object contended for ought to be of sufficient magnitude, if obtained, to compensate them for all the losses they sustain, and the miseries they suffer in its prosecution; otherwise more of evil than good will result from it. The expectation of success ought also to be reasonable. These points ought to be so clear that there could

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be no difference of opinion, among intelligent and honest men. There are cases, it is true, in which a nation ought to take counsel only of its courage. When its existence is threatened and all is at hazard, every effort ought to be made, and if it falls it will fall in triumph. But, sir, in ordinary cases, something is due to national interest and national happiness, as well as to visionary notions of national honor. I am as little in the habit of reckoning everything in dollars and cents, as any gentleman in this House. But the false patriotism of sacrificing important interests and rights to secure pretended ones, deserves severe reprobation; it is against an important article in my political creed.

The gentleman from Virginia (Mr. NELSON) "rejoiced and rejoiced," almost without ceasing, that the discussion of this and its kindred bills, had taken place in the latitude which has been indulged, inasmuch as it had afforded an opportunity to the minority to show to the world the evidence of their attachment to the English nation, and the effects of British influence. We have been asked, again and again, by gentlemen of the majority, from various quarters of the House, where that spirit of resistance to British aggression has fled, which was manifested by the Federalists of Boston, in their memorials to Congress, in 1806, urging the Government to war with England and pledging their lives and fortunes to prosecute it with vigor; where those feelings now are, which were exhibited by the Federalists at the death of Pierce, who fell by the hand of British violence; and where that national pride is which was called forth at the insult offered to our sovereignty, in the attack upon the Chesapeake. It is said by those gentlemen, who with an air of triumph ask these questions, that, when Pierce was killed the Federalists contended for the honor of burying him, and for the first positions in his funeral train; and that they thirsted for satisfaction for the insult offered to our national honor in the affair of the Chesapeake. This is all true. The same spirit now exists among the same honorable men, and will show itself whenever the purposes of justice and the honor of the nation require it. The gentlemen who alluded to these facts, cannot have attended to their operation, and the evidence which they furnish, that the feelings of the Federalists are truly American. Should the British put forth their hands and touch American interest or insult the honor of our nation, if any want of spirit or power of resistance is discovered in our country, it will be found in the ranks of the majority. When and on what occasion have the gentlemen of the majority exhibited such temper and spirit towards the French, under insults and injuries of the most atrocious nature, as they now bear witness, that the Federalists on these occasions manifested towards the English? On none. I repeat it, sir, on none. On all occasions our Government, for twelve years past, have discovered a truckling, submissive temper to the Government of France, which would disgrace the tamest people. When injured and insulted outrageously, instead of de-

manding satisfaction and showing manly and proper resentment, such as our national honor required, our Government have condescended to put apologies into their mouths, which they have disdained to offer for themselves. When our ships were burnt by French cruisers by order of the Emperor, against all law moral or national, the complaints of our Government were expressed in the language of meekness. They merely suggested to the French Minister, that if it was necessary to burn our ships to prevent the fleets of their enemy from falling in with them and obtaining information, (which the French had never intimated,) that it was the "most distressing mode in which belligerents exercise might contrary to right." While our Government have been very sensitive and tremblingly alive to every symptom of British indecorum, and by a kind of second sight have seen it where it did not exist; they have licked the dust from the feet of the Emperor of the French. The maxim "the same disposition which makes one insolent to the weak, makes him abject to the powerful," has been abundantly verified in the conduct of our Government towards the two great belligerents.

I have no blind prejudices or partialities for the English nation. My feelings are purely American. Englishmen and Frenchmen when they violate the rights of our country, it is my wish should receive the same measure of resistance. I was educated in Revolutionary principles, and inhaled with my first breath something of prejudice against the people with which we are now at war. It does not enter into my views to show that our enemies are right; it is true I feel a conviction that the Government of our country is wrong, and if this could be shown without seeming to justify our enemy, the task to me would be less unwelcome. This it is impossible to avoid. It is a despotism of principles, from the tyranny of which no one who attempts to perform what I feel to be my duty to do, can escape. It is impossible to show that one party to a controversy is wrong, without apparently showing that the other is right. But justice is justice, and right is right, let them apply against whom they will; and he must be a miserable judge who decides causes according to parties, and not according to their merits.

Although the Orders in Council are out of the question, having been revoked, notice given to our Government and an armistice proposed by our enemy before hostilities were commenced, yet such have been the allusions to them as evidencing a disposition on the part of our enemy, wantonly to invade our commercial rights, and not to be at peace with us, that a few remarks upon them will not be misapplied.

The enemy did not consider those orders as an infraction of our rights, as an independent nation. If they reasoned incorrectly, and their orders were indefensible, there was nothing of contempt or intentional wrong in their conduct; of course nothing to excite the violence of passion, or that heat which arises when injury is coupled with

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insult. Injuries of this kind we have often received from the French, and tamely submitted.

At the time of the passing of the Berlin decrees, we were at peace with Prussia, Hamburg, and Denmark, and our merchants were carrying on a profitable trade with them, in various commodities, some of which were of the growth and manufacture of Great Britain. The nations then ranked as free and independent nations, and the trade which we then carried on with them was lawful, and one which we had a right to pursue. The Emperor of France or any other Government, except that of the respective countries above-mentioned, had a right to interrupt it. Bonaparte, as a war measure, not as a municipal regulation, resolved upon the destruction of this trade; and by means of a military force compelled the Governments of those countries to discontinue this trade with us, to the injury of our merchants. Had Bonaparte fitted out ships and captured American property on the high seas, on its passage to those countries, if it were originally of British growth or manufacture, no one would have contended that it was not a violation of our neutral rights, and that we ought not to have resented it. Where is the difference between his sending a force upon the seas to capture our property going to a neutral port, and sending an army by land to do the same thing? If the end is wrong the means used to effect it cannot make it right. The property of our citizens captured and condemned, under the Berlin decree, greatly exceeded that seized under the Orders in Council, in any given space of time.

Many months before the Orders in Council were put in execution, we had notice from the British Government, that if France was permitted with impunity to interrupt the trade between neutrals, that she would by way of retaliation interrupt the trade of neutrals with France. However, whether or not the orders were a just retaliation upon France, and could be inflicted through the sides of a neutral, is of no importance, they having been repealed and due notice given to our Government. With reference to the temper discovered by our enemy, I thought it pertinent to make these remarks.

After the Orders in Council were revoked, we had no just cause of war, even against our enemy. The complaints of impressment did not furnish one, when war was declared. That injuries had been done to us in this respect, is not to be denied. But that they are of the magnitude suggested, there is no pretence; an exaggeration without example, has been the effect of the round number calculation, in which gentlemen have indulged. The subject does not admit of precise certainty, as to the number of our seamen taken against their will, or the amount of our injury. But the investigation, which one of my honorable colleagues (Mr. TAGGART) has made, and which is before the public, shows that it is a mere baggabelle, when compared with the representations of gentlemen of the majority: even within the walls of this House, and in the course of this debate egregious errors have been committed. The

gentleman, from Pennsylvania (Mr. INGERSOLL) has attempted to ascertain the whole number of impressed American seamen, by comparing the number of American seamen found on board the *Guerriere*, *Java*, and *Peacock*, with the whole number of seamen on board those vessels, and then supposing, that the whole number of impressed American seamen in all the British ships bears the same proportion to the whole number of seamen in the British navy. This rule, if rightly executed, would be uncertain and fallacious. But the gentleman has made a mistake of upwards of nine hundred per cent. in the number found on board the *Java*. He has assumed that she had eleven, whereas she had but one.

The investigation of this subject which has taken place before the Legislature of Massachusetts, to aid in which men of both political parties have not only been invited, but compelled to give information, shows that the evil is not only small, but diminishing daily.

The British nation claim the services of her subjects in time of war, and the right of visiting neutral merchant ships, and taking those who have withdrawn from her support. This right, on change of circumstances, she admits to exist in our Government, and it is certainly claimed and exercised by other belligerent nations. Her right to impress even her own subjects has been more than doubted by many of the majority. That the power of compelling the subjects and citizens of all countries to contribute their services in time of war exists in some department of their Government cannot be questioned. The chairman of the Military Committee (in the course of this debate) has intimated, that, if enlisting soldiers failed, conscription would be the next resort.

Though it is admitted that this power exists in our country, it is denied that it appertains to the Government of the United States. It belongs to the State governments. As between Great Britain and her subjects, I can see no reason why she, by her naval officers, cannot compel the services of her subjects found on the high seas, as well as we ours, by our military officers found on land. If she has a right to the services of her subjects, they have no right to withhold them. There cannot be right against right. If the subject has no right to withhold his services, withdrawing from his country and entering on board a neutral ship is wrong, and to exempt him from serving his country because he had withdrawn, would be allowing him to take the advantage of his own wrong, which is not admissible. But it is said that they have no right to visit our merchant ships; that a ship at sea is an extension of our territory. This principle is applicable only to national ships. The argument of the honorable Speaker proves too much. If his doctrine is correct, that a neutral merchant ship at sea is an extension of her territory—articles contraband of war—enemy's persons and property may be carried without interruption by neutrals, and the law of nations respecting contraband of war, would be of no effect. It is due to the honor of

a neutral nation to suppose that her armed ships, sailing under her authority, will not violate belligerent rights, and supply her enemy with articles contraband, &c. But this is not due to her merchant vessels. The right to visit them for the purpose of searching for articles contraband, for enemy's persons and enemy's goods, is claimed and exercised by all belligerent nations. If this doctrine of the Speaker is correct, it follows, of course, that free ships make free goods—a position which is denied by all writers of respectability on international law. In all cases where free ships make free goods, is the rule between nations, it is the effect of treaties which have changed the common rule, and the making of which shows that the law of nations is otherwise. But it is said that, if they visit our ships, they will take not only their own, but our citizens. That such is the similarity of language, manners, &c., that it is impossible to discriminate; and because they cannot exercise their right without invading ours, they must abandon theirs. Who is it that occasions this confusion of characters and persons? The documents which have been read by gentlemen on the other side, to show the magnitude of the injury and the determination to compel a redress in President Washington's time, show also that from the high wages given, and other lures, British seamen were enticed into our service. No means of prevention were adopted to exclude them from our vessels, and avoid this intermixture of persons, and confusion of rights.

What, sir, is the law in cases analogous? We may reason from small things, to things of greater magnitude, and of a higher nature. My feelings always recoil when I compare men with property. I am in the habit of estimating human flesh and blood quite as highly as the gentleman from South Carolina, (Mr. CALHOUN,) I also prefer the person of a man to a bale of goods. I consider him of too high a nature to be placed on a level with property.

If A has an indefinite quantity of any commodity, which has no ear marks or distinguishing features, and B has also an indefinite quantity of the same commodity—and B intermixes his with A's, the consequences are that B incurs a forfeiture of his right. He who creates the confusion of rights forfeits his right. I do not mean to be understood, that as we suffer their men to come on board our ships, and confusion arises, that therefore they have a right to take and hold, not only their subjects but our citizens. But certainly, as we are the cause of the confusion, it does not seem warrantable to conclude that they shall not be permitted to take even their own.

The right to take from American merchantmen native American citizens, or the citizens or subjects of any other country, whether naturalized in America or not, is not claimed by the British, and whenever they are taken by mistake they are discharged as soon as the mistake is discovered; and our Government have been invited, again and again, to furnish information, that justice might be done. In point of principle there is no

controversy between us, excepting as to her subjects which have been naturalized in America. A right to their services she claims in virtue of their native allegiance, which she contends they owe her, and cannot throw off without her consent.

Upon this point the British Government and our own are at issue; and upon the ground of reason and authority, in my mind, it is against us. But if it were not, I ask gentlemen of the majority, who seem to be so sensitive on this subject, if there is any justification for involving our country in war, in the state in which we were, for this class of citizens—when the consequences are, that native American citizens, who are bone of our bone and flesh of our flesh, cannot be protected. What is the President's answer to the native American citizens of North Carolina and Maryland, the fathers and mothers, the brothers and sisters, the wives and children, who supplicate protection of our Government for themselves in the houses in which they were born, and on the soil on which they and their ancestors have immemorably inhabited—"we cannot protect you."

Why not give this answer to the new-born citizens of our country, or even to native citizens, who are not content to share in the milk and honey of our land at home, but ask protection on the highway of nations? Would not the answer to the citizens, "we cannot protect you," be emphatically true, more so than the answer to the good people of North Carolina and Maryland; and could not honorable pride more easily submit to give it? Great sensibility is discovered by gentlemen in this debate for the sufferings of our naturalized citizens, and it has often been repeated that Government dare not refuse to protect them. Many lofty high-sounding expressions concerning their rights, and what is due to our national honor, have been repeated again and again. Sir, humiliating as the thought is, in the present state of our navy it is not in the power of the Government to protect our naturalized citizens on the ocean. In attempting it we take the children's bread, and give it to strangers.

This class of citizens have no claim upon our Government for protection on the high seas, against their native country. We took them, subject to her claim of allegiance, and are bound to protect them on the high seas only against others than their own country. By naturalizing them no such duty devolves on our country. As well might a man who had mortgaged his estate, and then conveying it, free of all encumbrances, complain of his grantee for not paying the debt, to secure which it was conveyed in mortgage. The forms of our naturalization law lead to no disclosure of the circumstances under which a citizen, who offers himself for naturalization, leaves his own country; whether or not he is banished, and discharged of all obligations of allegiance, does not appear. The pride of men who say to native citizens we cannot protect you, and with swelling importance rush into a hopeless war for the protection of naturalized ones, is contemptible.

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That allegiance is natural and universal, in my mind, is supported by reason and authority. On this subject the great European nations accord. In our country it has been decided that allegiance is perpetual, by the highest judicial tribunal, and in times when the public mind was less agitated than at present. All the purposes for which a man, by the writers on the law of nations, may emigrate to another country, may be accomplished without his throwing off his allegiance, and, in any event, making war against his own. By emigration, and being domiciled in a new country, a person may place himself in such a situation as to incur double or inconsistent duties; but if he, thus situated, incurs any penalties, he is a subject for mercy, but it does not alter the law.

But, sir, if the British impressing her subjects, who have been naturalized, is a cause of war, can it be just, as it respects our own country, that ten of our native citizens should be sacrificed in trying to defend one of them? We have already lost in a much greater proportion. If an answer could be rightly given in the affirmative, I say, to obtain justice by negotiation had not been fully and fairly tried. I shall not wade through an ocean of documents to show what does not exist, by showing what does. Any person who will take the trouble to read the letter from Lord Grenville to Mr. King, of the 7th of March, 1797, the instructions of Mr. Jefferson to Mr. Monroe, of the 5th of January, 1804, and of Mr. Madison to Messrs. Monroe and Pinkney, of May 17th, 1806, and the correspondence between Monroe and Pinkney and the British Commissioners, and examine all the other documents in the Executive Department for twenty years past, will find that a constant effort has been made, on the part of our enemy, to adjust all difficulties respecting impressment, upon terms consistent with her preserving the control of her citizens without distressing ours, and that such terms have never been offered or yielded to them by our Government. Impressment was not a cause of war when it was declared. The mischief existed in a much greater degree during the Administration of Washington. It was considered by him as an evil of a nature not to be remedied by war. Surely no man better knew what was due to the honor or interest of his nation than the Father of his Country, or was more ready to assert her claims. Since the rejection of the treaty made by Monroe and Pinkney, no attempt has been made to effect an arrangement respecting impressment. In the treaty with Mr. Erskine it was not noticed, and in the communication from our Secretary of State to Mr. Adams, after war was declared, it is not mentioned. Is it possible that Government can now seriously declare that a cause of such a nature, which has slept so long, and not even been the subject of negotiation, was a justifiable cause of declaring war when we made the declaration? Surely a Government which, with such an extent of defenceless seacoast; with such an amount of property on the ocean unprotected; with conflicting opinions among its citizens, would declare war against a nation which had the means of an-

noying us in the highest degree, must have a great avidity for shedding human blood, and must expect the curses and execrations of their suffering country. The blood of thousands cries to Heaven for vengeance against them. No men ever more wanted what the celebrated Valdesso said—"All military men need a time for sober reflection before their death"—than those who involved this once happy country in war.

The feelings which gentlemen of the majority discover, as it respects war, in my mind, do no credit to their hearts. To obtain any object by negotiation, and in a manner which ought to flatter the pride and honor of our country, does not seem to afford them any pleasure. The gentleman from Pennsylvania, (Mr. INGERSOLL,) when endeavoring to support the position, that taking high ground, as it respected England, was the way to bring her to our feet, referred to the settlement of the affair of the Chesapeake. He spoke of that proud nation as having been brought to humble herself before us, by spirited measures on our part. In another part of the same address to this Committee, instead of rejoicing at this event, he deeply regretted that Congress had not then been in session, that war might have been instantly declared. The habit of our nation was then feverish; her pulse then beat high, and he seemed to think we should then have fought with spirit. Can any gentleman wish to obtain by the sword what can be secured by negotiation? I desire to thank my God that he has not yet suffered such feelings generally to pervade the hearts of my countrymen.

If we had just cause of war, and negotiation had been exhausted, the invasion of Canada is inhuman and barbarous: if successful, it has no tendency to put us in possession of our violated rights, or compensate us for our wrongs. The mischief which is done to the Canadians is merely gratuitous; as much as the destruction of the property of a humble individual. The unoffending Canadians do not stand between us and our rights. Where a Government places its citizens or subjects in that situation, the injured country must cut its way through them to the object to which it has a rightful claim. If the British Government, by means of armed ships, invade our commercial rights, we are justified in destroying them, and the blood of her subjects will be on the heads of those who administer their Government. Their destruction can be justified, because it is necessary to the attainment of a rightful object. This cannot be said as it respects the invasion of Canada. Even misrepresentation has not charged the innocent Canadians with indulging any feelings inimical to us, until acts of outrage were committed against them. All the wrongs which it is pretended we have received, result from the acts of the Government to which they are subject, and in whose councils they have no voice. Foul, indeed, must be the robes of the magistrates of a country, to justify washing them in the blood of its innocent subjects. The invasion of Canada is like storming an infirmary; the vanquished will be a present plague and future expense. Sup-



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pose the Canadas should be taken—will it do us any good, or our enemies any hurt? If they are to become a component part of the United States, and be admitted to all the privileges of freemen, we shall then have a motley mixture of citizens, ignorant of their rights and of their duties, added to a population already too heterogeneous. If they are held as a conquered province, and considered as a colony, an armed force must be maintained to keep them in order; at the head of which some future Cæsar, or present Bonaparte, may overturn the government of our country.

The honorable Speaker is impressed, that the pride of England sets a value upon these possessions, and that the brilliant pages of her history will be tarnished by their loss; and that the memory of Wolfe, and his splendid victory over Montcalm, cannot, after these possessions are gone from her, be had in remembrance by the English nation with pleasure. These circumstances may make the purchase dear to us, but give the possession, when obtained, no additional value. If it has an artificial value to our enemy, it will be lost in our hands. Besides, can it be believed that Great Britain would sacrifice her maritime rights, or any principle which enables her to maintain them, to regain the possession of the Canadas, which have ever been an expense to her? Is it in man to believe that she would make a peace and cede the Canadas, and leave us in possession of the fisheries, which were secured to us by the treaty of peace? The fisheries are of more importance to the United States than all the land between the Lakes and the North Pole. The wealth of the deep is inexhaustible. Fishing vessels are the cradles in which our most experienced seamen are rocked. But for them, instead of triumphing in the successes of our naval heroes, and passing resolutions of immortality to their memories, we might now have been mourning at their defeat, and weeping over their faded laurels.

But, sir, is the conquest of Canada to be effected? One honorable gentleman from South Carolina (Mr. CALHOUN) has told us, when attempting to show that British power is less now than when struggling for existence and the freedom of the world, that it is not bone, and sinew, and muscle, that nerves the arm and makes powerful, but that it is motive and vigor of feeling which does it. Another honorable gentleman (the SPEAKER) has said, that British pride sets a high value on the Canadas. No honorable gentleman will say that the citizens of the United States, as it respects the conquest of Canada, feel the operations of the motives which, in the opinion of the gentleman, (Mr. CALHOUN,) constitute power, when the States in the neighborhood of the most powerful province will not move a finger to effect it, but reprobate the attempt in others. In this situation, what prospect can even these gentlemen have of obtaining the object of the war—the conquest of Canada?

A gentleman from Vermont presses the prosecution of the war for the conquest of the provinces, because it will be convenient to us to possess

them, we now having too extensive a frontier. Is there no such thing, in the estimation of that gentleman, as national morality or national justice? Are the rights of one nation to be measured by the wishes or wants of another? The gentleman's farm may be locked in by the lands of his neighbor, and he may want them, but this will hardly justify him, *in foro conscientiæ*, in seizing them by force.

Believing, as I do, that the invading of Canada is wrong, I cannot voluntarily aid in the unjust attempt to take it. If I were to give my vote for any measure, the object of which is to effectuate that end, I should offend against the present generation, posterity, my country, and my God. Considering the invasion as immoral, whether or not it has been unskillfully prosecuted will make no difference to me as to voting supplies. If the end is wrong, a skillful application of means to effect it will not make it right.

On the subject of a Navy for the general purposes of the nation, with no reference to the prosecution of the war in which we are engaged, and as to the appropriations which we ought to afford the Administration for the purpose of building a navy, I totally disagree with the honorable gentleman from Rhode Island, (Mr. POTTER.) He seems to be impressed, that the only way to prevent all Governments from engaging in war, is to deny them all the means of building ships, or making any preparation for it. In this, however much I generally value and respect his opinions, I think he is quite erroneous. A Government thus sparingly provided for, could do no more good to the people than a blind man in an empty house.

A naval force is our proper defence. If our liberties are to be preserved, and our commerce and common country defended, we must have one—it is indispensable. With such an extended sea-coast a million of soldiers could not guard us at all points. American valor cannot operate where it is not. A foreign nation, predominant at sea, could apply their force wherever we had none. The remarks of the gentleman from Tennessee, (Mr. GRUNDY,) as to making the war purely defensive on our inland frontier, apply with double force as to our seaboard.

Our navy ought to be of such magnitude, as to make it an item in the accounts and considerations of the maritime Powers of Europe. But to secure us respect on the ocean from all nations, it is not necessary that our naval force should be competent to cope with any one important European Power. Suppose England and France were at war, each having their five hundred, or any other number of ships of war, and the United States with only fifty; if our rights were invaded by England the consequence would be, that our weight would be thrown in the scale of her enemy, and there would be five hundred and fifty against five hundred. If France should trespass against us, our naval power would co-operate with England, and the like inequality would be produced against France. So that, though their several force would greatly exceed ours, yet each

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belligerent, having a view to the force of their enemy as well as to ours, would find it for their security to respect our rights. But, if our naval force is so contemptible as to make us of no consideration in the estimation of European nations, we shall ever be subject to their rapine and plunder, as often as they are belligerent and we neutral.

"Free trade and sailors' rights" are the order of the day, at Court and in the country; and gentlemen are so delighted with the sound, that they pay little regard to the substance. They seem to have taken for their maxim, as it respects sailors' rights, "all for love and the world well lost."

After the revocation of the Orders in Council, our commerce was under no restrictions from the British, excepting those which the rights of belligerents, by the law of nations, impose upon neutrals. We have been for so long a time at peace, while the European nations have been at war, that we seem to have forgotten that belligerents have any rights. But, however high we may hold our neutral rights, it is to be considered, when they are put in practice, they must admit some temperament and amicable compromise with the rights of others. Should it be our misfortune to continue in war, I think we shall be found to claim and exercise belligerent rights in as high a degree as any nation on earth. Already have our courts gone farther, in condemning property as a prize of war, than any of the decisions of Sir William Scott.

That free ships make free goods, or that the flag covers all which sails under it, is not the doctrine of the law of nations, and, to have it so settled, is not less against our interest than against the principles of international law. If a gentleman who has his home, *not* on the mountain wave, but on the mountains themselves, had contended that this was, or ought to be, the law of nations, I should not have been much surprised. But that the gentleman from Pennsylvania, (Mr. INGERSOLL,) who resides in one of the most flourishing commercial cities in the United States, and who every day must behold the abundant fruits of the principle, that free ships *do not* make free goods, should contend for it, is to me truly astonishing. Situated as we are, a world by ourselves, naturally, and under a wise Administration might be so politically, the mercantile nations of Europe will probably be at war ten years while we shall be but one. If free ships made free goods, the merchants of European belligerent nations would pursue their foreign commerce with their usual profits, only paying freight to a neutral carrier. In the business of carrying, we should have for rivals nations in Europe, who, from the lower wages of their seamen and cheaper subsistence, would underwork us. But if free ships do not make free goods, the consequence is, that the belligerent owner cannot ship his goods on his own account, but is obliged to sell to a neutral, who secures not only the freight but the mercantile profit. In our country a great commercial capital is employed in foreign commerce, while those nations who have been our rivals in the carrying trade, in the existing war between England and

France, and probably will be in future wars, have little or none. Our merchants, as purchasers, having annihilated their rivals, have secured not only the mercantile profits but the profit of carrying. Immense wealth in our country is the fruit of the principle, that free ships do not make free goods. And if we must go to war, the interest of our country requires that we should fight in support of this principle, rather than to effect an alteration.

The gentleman from Pennsylvania contends that the laws of nations must be altered; that articles contraband must be diminished, and the right of searching for enemies' goods limited and restrained; and that neither the President of the United States, nor any future President, ought to make peace until these changes are effected. Sir, is it for the interest of our country that these alterations in the laws of nations should take place? In my mind it is not. But if it were, is it in our power to effect them? Can we with our armed ships, so few in number that they cannot with all their heroism and valor defend our own ports, enforce a change in the law of nations, and give a new code to the world? No, sir, there is something in this proposition beyond the dreams of madness.

Sir, I am one of those who never believed the causes alleged, to be the real causes of the war being declared. It is not in man to control his faith. We cannot believe without evidence, nor disbelieve against it. It is not to be believed that war for the protection of commerce and sailors' rights could be enforced upon the nation by those who are not merchants, nor sailors, nor their relations, nor connexions, against the prayers and entreaties of those who are. Nature has not changed, nor fathers and mothers in the Eastern States, "monsters proved." Miracles, or at least something more than the declaration of the gentleman from South Carolina, will be necessary to establish this to be the fact. This gentleman, in the abundance of his candor and decent respect for the inhabitants of the Eastern States, supposes that such outrages have been committed against the rights of sailors, as to furnish just cause of war, and that they are by the operation of party spirit so duped and blinded as to be insensible to the feelings of humanity, and the sufferings of their brethren and kindred. This gentleman would do well to pause and consider how far party feelings have affected himself.

They respect human flesh and blood, and the rights and liberties of men, as highly as any member in this House, and they will not condescend to take lessons in humanity from the people of any State in the Union.

The people of Massachusetts are not the inferiors of those of the State which the gentleman has the honor to represent, in the public or private virtues; nor in the knowledge of the true interest of their country, foreign or domestic; nor in the proofs they have given of zeal and industry in its service; nor in any particular which calls for and obtains the just considerations of the humane and enlightened.

There are but three propositions upon which I can account for war being declared by our Government against England at the time when it took place; each of which carry terror to our country, according to the views which I have of its interests.

1st. That the Emperor of France had an ascendancy in the councils of our nation from the fears which he excited, or the hopes he inspired.

2d. That the views and designs of the Administration were to destroy the commerce of the country, and make us purely an agricultural and manufacturing people.

3d. That it was intended by the Administration to change the form of our Government.

In adding the facts and evidence which operate on my mind, in favor of each supposition, I shall endeavor to avoid repeating that which has been laid before the Committee, and remarked upon by those who have preceded me in this debate, and shall advert to such auxiliary proofs only as have occurred to me, and not been noticed by others.

The honorable chairman of the Committee of Ways and Means, in the remarks which he submitted to the Committee, made frequent allusions to the late President, Mr. Jefferson, and to his actions and opinions, and those of others, concerning him. It cannot therefore be amiss if I avail myself of his example.

I have long considered that gentleman as the champion of anti-Federalism and Democracy, as the mainspring and soul of the party which now direct the destinies of our country. It is a fact well known, that he long since predicted the predominance of French power, and the overthrow of England. England, it has been thought, could do little more than "gather up her garments, that she might fall with decency."

With such impressions the hope might have been indulged, though I think it would have proved vain, that French favors might be secured by subservency to French power. To me, sir, the effects of French influence have been as visible in the measures of our Government, since the commencement of Mr. Jefferson's Presidency, as though they were written in sunbeams. A few facts in addition to those which have been mentioned by other gentlemen, as evidence of French influence, will be suggested without much amplification or comment. After the commencement of the French Revolution, the Government of France proclaimed the right of self-government to exist in the people of all countries; and the inhabitants of St. Domingo were declared to be free. In 1806, the merchants of our country carried on a profitable commerce with that island, as they might lawfully do. Bonaparte then wanted "ships, colonies, and commerce," and declared that a rebellion existed, because they refused to submit to his power. Our Administration, finding the people of St. Domingo in full possession and exercise of the powers of government, had a right to carry on commerce with them without asking permission of the Emperor of France, or any other Power.

A rap from the French Minister procured the passing of an act prohibiting this commerce, as promptly as a rap on your table calls this House to order. In 1801-'2, when the Spaniards were in alliance with the Emperor of France, the dupes of his artifices and the instruments of his power, New Orleans, to which as a place of deposit we had a right by treaty, was occluded by them, and we were deprived of this right to our great injury. Spoliations upon our commerce to a great amount, previously to this time, had been committed by the Spaniards, and compensation had been demanded and refused. It is a fact which has frequently been alluded to by the majority in our debates, and not denied by me to be true, that gentlemen prominent in the Federal party were for doing our country forcible justice. They were for seizing New Orleans, and repossessing themselves of rights of which, in violation of good faith, they had been deprived. Upon this occasion the Demosthenean eloquence of a Morris was exerted with great force, in the first branch of our Legislature, to excite them to vindicate and enforce our rights, but without effect. We were then told that it was anti-Republican, and against the genius of our Government, to go to war for foreign conquest; that no consideration ought to induce the United States to go to war for fifty years. The voice of complaint from our injured citizens was heard by our Government, but not regarded. The Spaniards were then the allies of the French; Spanish insults and injuries were submitted to with tameness. Since the Spaniards commenced their struggle to rescue their country from the French bondage, what has been the conduct of our Government? It has been reversed. Instead of manifesting that sympathy which ought to have been excited for a people who were among the first to acknowledge our independence, and who were struggling for their own, our Government assumed a hostile attitude. The Minister of Spain, Mr. Onis, was not accredited.

The policy of our Government towards Spain, as it respects her American possessions, let the members of the twelfth Congress explain what the world does not already know. In a contest like that between France and Spain, every man of sentiment must be a party with the latter. To me it is not a subject of indifference whether Spain is governed by the monarch of her choice, or by a mere puppet of a King, who will always act in conformity to the views of the tyrant of Europe, the chief juggler behind the curtain. The sentiments of the gentleman from Georgia (Mr. FORSYTH) upon this subject, in my mind, are not only very incorrect, but highly reprehensible.

The coincidence of the measures of our Government and those of France, for many years past, must have been the effect of design and not of accident. Our embargo and non-intercourse laws have comported exactly with the French Continental system. Whatever has been prophesied in France has come to pass here. The footsteps of Bonaparte have been visible in all the paths of

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our Government. The acts of insolence on the part of France, and submission on the part of our Administration, are without number.

The Emperor of the French assumed the right of interfering in our municipal regulations, and in the details of acts passed by the Legislature of our nation. Mr. Barlow, in his letter to Mr. Monroe, of the 16th of March, 1812, says:

"The Emperor did not like the bill we have seen before Congress, for admitting English goods contracted for before the non-importation law went into operation. I was questioned by the Duke of Bassano on the bill, with a good deal of point, when it first appeared; and I gave such clear and decided explanations as I thought, at that time, would remove all uneasiness. But I have since heard that the Emperor is not well pleased. If Congress had applied its relieving hand to individual cases only, and on personal petitions, it would have excited no suspicions."

The conduct of Mr. Barlow, while Minister in France, was warmly approved by the President. Is there nothing of French influence manifested in this transaction? Could anything show it more clearly? Are the Legislature of our country, in the Hall of Liberty, which we hear so often mentioned, to inquire whether "the Emperor likes a bill" before they pass it? Many of our meritorious citizens who were entitled to the consideration of our Government would have been ruined had they not been permitted to import goods contracted for before the passing of the non-importation act. Not to have a general provision, but to have driven them to a personal petition, would have been unjust and cruel to them, as well as base and servile in our Government. Our Minister submits to be "questioned with a good deal of point," to make "explanations," tries to remove "uneasiness" on the part of the Emperor, but after all this, he, the Emperor, "was not well satisfied." Had Champagny then told us that, with reference to France, "we were less free" than the colony of Jamaica were, as it respects England, it would have been too true; and he might have added the other epithets which he applied to us on another occasion, that we were "without honor and without energy."

As it respects the Berlin and Milan decrees, our Government submitted to take the lead in changing the state of things between the two countries, when, by a solemn act of legislation, we had committed ourselves on the subject of France being in the wrong, and bound to take the first step. Insults to our national honor and injuries to our national interest have been submitted to patiently, when France has been the aggressor. But thank God we have reason to hope there is an end of the excess of French power, and that French influence in our councils will cease with it.

2d. That the views and designs of the Government were to destroy the commerce of the country, much internal evidence arises from the measures which they adopted. The embargo was a perpetual law. Against the will of the President, and little more than one-third of the Senate, it could not be repealed, and commerce revived. War was declared without such indications to

our commercial citizens as would induce them to bring home their property from abroad. The non-intercourse law was continued, which put it out of their power to withdraw their funds from the enemy's country. Everything which was done or omitted was calculated to destroy our merchants and commercial capital. The gentleman to whom I have alluded, as the leader of the dominant party, is the enemy of commerce; considers great cities, the concomitant of commerce, as "great sores" on the body politic, and the tillers of the earth as God's chosen people. He wishes to see the agriculturist and the mechanic by the side of each other, and that the place which now knows merchants should know them no more.

3d. That it was intended by the Administration to change the form of Government.

In the letter of Mr. Jefferson to Mazzei, the ties of our Government were spoken of as Lilliputian, and inadequate to the exigencies of our country. I believe this impression prevails with many gentlemen high in the consideration of that class of the people who now constitute the majority. If they believe that our Government is too feeble, that its ties are Lilliputian, would it not be of course that they would attempt to make them stronger? If this were their design, what course could have been taken more apt than the one pursued? If I were one of the Administration, and this end was in view, no means better adapted to that end could present themselves. A military force would be indispensable. A naval one would not answer. A hundred thousand seamen would not endanger the liberties of this country, or assist in overturning the Government, in as great a degree as one half the army would, which this appropriation is designed to raise and supply. To raise an armed force has ever been the favorite measure of those who have meditated a revolution in their country. When I see a man, or a party of men, treading in the footsteps of those who have gone before them, I conclude that they aim at, and will arrive at, the same end. What better pretext could be furnished for raising an army, than a war with England and an invasion of Canada? When the idea prevailed that the conquest of Canada was to be the work of but a few short days, it was generally said by the friends of Administration, and often by men holding high rank in the Army, that from the conquest of Canada they would return and put down Federal opposition. All opposition could easily be called by this name, and be subjected to the same fate. If the object of the war was free trade and sailors' rights, the seat of it would be on the ocean, where they are violated. Instead of expending millions upon the land to no purpose, we should have employed our funds in building ships to meet our enemy on the ocean, where she alone can be met to any effect. Can any measure be more preposterous than attempting to enforce your rights on the ocean by attacking a detached, unimportant territory, which, if taken, would not distress your enemy, or compel her to do justice? No man can believe that if

Canada was taken, our enemy would abandon the principle for which she contends. We must then, in order to enforce what is considered the rights of naturalized seamen, resort to the ocean at last. A war must be waged which would be interminable, or end possibly in our defeat and disgrace; our seacoasts be laid waste; thousands of our citizens slain, and tens of thousands reduced to poverty and wretchedness. No Administration would subject our country to all the miseries of this war, for no other purpose than the vindication of the rights of naturalized seamen, when out of the jurisdiction of the Government of our country. Some other object must have been in view.

These apprehensions may be viewed as the vagaries or wanderings of a jealous, perhaps, dis-tempered mind. But to them who think there is no danger, it may be observed, that the moment of security is the most fatal. All the Republics which have gone before us have lost their liberties, and the people, ever honest, and believing their deceivers to be so, have prepared the shackles for themselves. I fear we, like them, shall not see our danger until it is too late to avert it. May we learn wisdom from what they have suffered. From the declaration of this war, unless peace is the fruit of the pending negotiation, I fear the downfall of American liberty may be dated. I do not, sir, believe that the majority apprehend that they are ministering to such an end. But I ask gentlemen to consider what has taken place in our time, and what they have read in the history of other times. We have seen the Legislature of France turned out of the Hall of Liberty by a military force, which it had nurtured and established. We have read in history that the same was done in England in the days of Cromwell. However secure gentlemen may feel in their seats, it is not impossible they may witness the reaction of the same scenes here, and that the military force, which they now vote to raise, without being able to render any reason, may ere long put an end to their existence as legislators. Executive patronage and Executive influence are truly alarming. Important military bills, and other bills deeply affecting the rights of persons, are passed into laws, without amendment or alteration, against unanswerable reasons why they ought not to pass, merely because the Executive or the head of a department has suggested that they were necessary, without assigning any reason why they are so.

I have been not a little amused at the inconsistency of the grounds taken, and the remarks made, by different gentlemen of the majority, who have taken a part in the debate on this and its kindred bills. The gentleman from Virginia, (Mr. NELSON,) in speaking of the British Orders in Council, remarked, that under them our commerce had been swept from the ocean; and one would have supposed from his suggestions that of our many ships which went to sea, but few escaped. No vessels were the subject of the operation of these orders excepting those which were bound to France. Another gentleman from South Caro-

lina (Mr. LOWNDES) has undertaken to show that the British Ministry do not properly appreciate the right of impressment, and that the exercise of it on the high seas is of no importance to them; that almost the whole commerce of this country is directly with England, and that, of course, taking her seamen in her own ports, and in the narrow seas, furnishes her with all the chance to repossess herself of them, which she would have if she exercised the right of taking them on the high seas, and thereby exposed our ships to great and unnecessary risk. I shall leave these gentlemen to settle which is wrong, or to show, if they can, that both are right. How the whole, or almost the whole, commerce of our country has been swept from the ocean on its way to France, when it is not destined to go there, but almost exclusively to England, it is difficult for me to conceive!

Much has been said upon the subject of opposition, on the part of the minority, to the will and the measures of the majority; and we have been admonished to pause and consider the dangerous consequences which must result. Sir, an opposition to wrong measures is always right, and it ought to be continued while those measures are persevered in. Some gentlemen, apparently wishing for a union of parties, have invited the minority to coalesce. Sir, no man more cordially wishes an end of party distinctions than I do. There is something in the pride and obstinacy of party spirit which wars against the public good. It is my wish that it was annihilated. When Mr. Jefferson's inaugural speech appeared, I was delighted. I had the pleasing impression, that although he got into power by bringing into disrepute men whom I esteemed more highly than himself, yet, now he was in place, he would administer the Government as his speech indicated, and ought to have support. Would to God it had been so! If gentlemen of the majority wish for a coalition, I ask them to consider that we differ no more from them than they do from us; that it is easier to pass from wrong to right, and from error to truth, than the reverse. Are gentlemen of the majority sure they are right? Have the minority no claims to their consideration? By their fruits all men and all parties are known. Let Federal and what is called Republican measures be tested by this—the fairest of all rules. During the Presidency of WASHINGTON, the administration of the government of our country was attended with embarrassments and difficulties, greater than have been known at any period of her history. He had to steer our ship on the margin of whirlpools. Let any man look into his own circumstances and prospects, and those of his neighbors then and at this time, and what a deterioration he will find has taken place! Let him look into the affairs of our country, and what an awful reverse! From a proud eminence he will find we have been strangely precipitated, without necessity or apology, into the depths of poverty and disgrace. When I reflect what my country might have been had she availed herself of her advantages and resources and applied them

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properly; and when I consider what she now is, my patience is exhausted—my indignation cannot be restrained.

It is supposed by gentlemen that the object of the Opposition is to oust the present incumbents from power, and get into place themselves. Whatever intemperate expressions may have been uttered by ardent men, tending to excite such a belief, I can say with great sincerity, with the gentleman from Virginia, (Mr. SHEFFEY,) I have no such views nor warm wishes; nor do I believe that it enters into "the scope of the policy" of those whom I have the honor immediately to represent. Let us have a Government purely American—a Government by which the power of the whole will be exerted to preserve the rights and protect the interest of all the parts—and we care not what Americans administer it. When this is not the case, a Government is the worst of factions. In the Eastern States we have too much reason to say "such things are." In the course of debate many unfounded charges of propensity to rebellion have been made against the citizens of Massachusetts. But, with all the examples of rebellion which she has had set her, resistance does not enter into her policy; though a temperate, manly, determined spirit, will not on any occasion be wanting. Nothing but the extreme of suffering, and a thorough conviction that the purposes for which Government is instituted cannot be obtained, will drive her to resistance. They have been charged with a design to sever the Union, and insinuations of this description have issued from a quarter whence they were little to have been expected. Sir, let suggestions and intimations of this kind be propagated by whom they will, in what manner they may be, and for whatever purpose, I feel it my duty to repel them as unjust and unfounded. Such are not the views of the Federalists of Massachusetts. They cling to the Union as the rock of their salvation, and will die in defence of it, provided they have an equality of benefits. But everything has its "hitherto." There is a point, beyond which submission would be a crime. God grant that we may never arrive at this point.

Allusions have often been had in the course of this debate to the temper and feeling of the people, and state of party in Massachusetts, and gentlemen have, with much composure and philosophy, viewed and compared their strength, and inferences have been drawn against the success of those who have been driven almost to resistance. The gentleman from Georgia (Mr. FORSYTH) seems to suppose that the people of the Southern States, in the event of an explosion in the Eastern, would have nothing to do but stand by with composure and witness the destruction of that party who are the opposers of the prosecution of the war. Instead of contemplating this subject with the coldness of the gentleman, I turn from it with horror. A contest once begun, God only can tell how or when it would end. All parts of the United States will be involved in one common fate; and it deserves some consideration from that gentleman, that victory, in the

history of the world, has never travelled to the North. If the gentleman properly appreciated the effects of such remarks—if he regards the peace and prosperity of the country—he would suppress them. When a pile is prepared and a train laid, it requires but little to kindle it and cause an explosion. Such are the character of the laws which have been enacted, and the temper and spirit with which they have been passed, as to create great excitement. Statutes, which consign to poverty and ruin thousands of people, are enacted, apparently, without remorse or regret. Insult added to injury will not long be endured.

The disappointments and the suffering of the citizens of Massachusetts have been great, and they have been borne with a patience without example in the United States. No opposition is so heavy as that which is inflicted by the perversion or exorbitancy of legal authority. They who pretend to no right, but rely on force, by force may be repelled and punished. But when plunder bears the name of legal seizure, and robbery is perpetrated by judicial sentence, though virtue and patriotism may shrink from an alliance with rebellion, for a time, yet the oppressor will not always be secure in the robes of the magistrate. The natural consequence of injury is resentment, and a disregard of right often produces a resistance to right itself.

Two of my colleagues, who have preceded me in this debate, having noticed the obnoxious allusions to my worthy predecessor, I shall content myself with remarking, that his integrity, his domestic and private virtues, and his patriotism and public character are such, as to place him beyond the reach of slander, or the need of praise; and I shall leave the public to judge, whether he, or the gentleman from Georgia, (Mr. FORSYTH,) who made an attack upon him in his absence, best merit the epithet, "recreant spirit," which he applied.\*

When W<sup>r</sup>. WARD had concluded—

Mr. MACON, of North Carolina, made a speech of great length, replying to gentlemen in opposition, particularly two of his colleagues, on topics introduced into the recent debate.

At a late hour the bill was passed by the following vote—for the bill 82, against it 38, as follows:

YEAS—Messrs. Alexander, Alston, Archer, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappel, Clark, Comstock, Conard, Crawford, Creighton, Crouch, Cuthbert, Denoyelles, Desha, Duvall, Eppes, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hungerford, Ingham, Irving, Jackson of Virginia, Johnson of Virginia, Kennedy, Kerr, Kershaw, King of North Carolina, Leferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Moore,

\* Mr. Forsyth, in his speech, used the term "recreant spirit," which it was understood, by many gentlemen, he meant to apply to Mr. Quincy. Mr. Forsyth, in his explanation, said he made no such application.



Nelson, Newton, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Robertson, Sage, Seybert, Skinner, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Ward of New Jersey, Whitehill, Williams, Wood, and Yancey.

**NAYS**—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Champion, Cilley, Cox, Culpeper, Ely, Geddes, Goldsborough, Grosvenor, Hale, Hopkins of New York, King of Massachusetts, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Oakley, Pearson, Post, John Reed, Sheffield, Sherwood, Stanford, Sturges, Taggart, Vose, Ward of Massachusetts, Wheaton, White, Wilson of Massachusetts, and Winter.

MONDAY, March 7.

Another member to wit: from Kentucky, **RICHARD M. JOHNSON**, appeared, was qualified, and took his seat.

**MR. INGERSOLL**, from the Committee on the Judiciary, reported a bill prescribing the mode of commencing, prosecuting, and deciding, controversies between two or more States; which was read twice and committed to a Committee of the Whole.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Joshua Sands, late collector of the customs for the port of New York. The bill passed through without objection, and was ordered to be engrossed for a third reading.

#### APPROPRIATION BILL.

The annual appropriation bill for the support of Government, passed through a Committee of the Whole, and the blanks having been filled with the various appropriations for the civil list, &c., was reported to the House. The question on one of the items of appropriation was, on motion of **MR. BIGELOW**, taken by yeas and nays, viz: on the appropriation of \$50,000 for the contingent expenses of foreign intercourse. On concurrence with the Committee of the Whole on this article of the bill, the votes stood—for concurrence 69, against it 52, as follows:

**YEAS**—Messrs. Alston, Archer, Avery, Barnett, Brown, Caldwell, Chappell, Comstock, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Findley, Franklin, Gholson, Goodwyn, Griffin, Grundy, Hall, Harris, Hawes, Hungerford, Ingersoll, Ingham, Irving, Johnson of Virginia, Johnson of Kentucky, Kerr, Kershaw, Lowndes, Lyle, McCoy, McKee, McKim, Murfree, Newton, Ormsby, Pickens, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Richardson, Roane, Robertson, Sage, Skinner, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Williams, Wilson of Pennsylvania, Wright, and Yancey.

**NAYS**—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Brigham, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Forney, Gaston, Geddes, Goldsborough, Hale, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lovett, Markell, Moffitt, Montgomery, Moseley, Oakley, Pearson, Pitkin, Post, Pot-

ter, John Reed, William Reed, Ridgely, Ruggles, Sheffield, Sherwood, Smith of New York, Stanford, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, and Winter.

The other appropriations were permitted to pass without opposition; and the bill was ordered to be engrossed for a third reading.

#### LAND TITLES IN LOUISIANA.

The House resumed the consideration of the amendments reported by the Committee of the whole House to the bill for the final adjustment of land titles in the State of Louisiana and Territory of Missouri; and the said amendments being again read, they were amended, on motion of **MR. HEMPSTEAD**, by striking out the words "two thousand acres," and inserting, after the word "than," the words, "the quantity of acres contained in one league square."

In proposing this amendment, **MR. HEMPSTEAD** addressed the Chair as follows:

**MR. SPEAKER**, I ask the indulgence of the House for a few moments on the motion just made. It is seldom, sir, that I intrude any remarks on any subject; never, except on what immediately relates to the affairs of the Territory I represent. The bill now under consideration, was reported in pursuance of resolutions submitted by me: and it may therefore be necessary, at this time, to take a general view of the situation of land titles in that Territory. The detail may be uninteresting to the House, but, as it is of the first importance to my constituents, I trust I shall be pardoned for detaining you. I have given the subject a careful examination, and shall now proceed to state the manner in which it presents itself to my mind. First, whether the cession of a country, by one Power to another, ought so to operate as to annul or destroy the title of an individual to his lands, whether that title be absolute or imperfect. Second, whether the laws of the United States, in relation to land claims, have operated to annul or confirm the titles in Missouri Territory; and, thirdly, whether the present bill will do full and complete justice to the claimants.

**MR. SPEAKER**, on the first point, permit me to observe, that even in a conquered country, individual property is usually held sacred. The conquest would not operate to annul or destroy the title of an individual. The conqueror acquires only the same right as belonged to the former sovereign, with all its limitations and modifications. He lays his hands on the possessions of the State, on what belongs to the public, while private persons are permitted to retain theirs. They suffer but indirectly, even by war; and to them the result is, that they only change masters. This, sir, is the doctrine of eminent writers on national law, and will apply with more reason and greater force to a ceded country.

Let us now examine the treaty by which Louisiana was ceded to the United States. By the first article of that treaty, it is declared that France "has an incontestable right to the domain." And, in the second article, among other

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public property, the "vacant lands," not the lands of individuals, are ceded. The third article guarantees to the inhabitants "the free enjoyment of their liberty, property, and the religion which they profess." Here it is seen, that the national faith is pledged to the performance of certain conditions. The words are positive, the promise unequivocal. No room is left for interpretation; and, if there were, any interpretation whatever, tending to change the nature of things, (to the prejudice of individuals,) is odious. Penalties are of this description; and it is less contrary to equity not to give to a proprietor what he has lost by his negligence, than to strip the just possessor of what lawfully belonged to him. What, therefore, the Spanish Government would have done in this respect, had no change taken place, the United States ought now to do. What they promised to do, we ought to see done. The change, otherwise, would be for the worse, and the stipulations in the treaty would be unavailing.

I ask, then, Mr. Speaker, whether the Spanish Government would have sanctioned the grants made by its officers? If so, they ought now to be sanctioned. Indeed, sir, without the solemn stipulations of a treaty to enforce it, policy alone would dictate such a course. Liberality will secure the affections of those you have made a part of your family; it will root old attachments; while a more rigid plan will occasion distrust and dissatisfaction, and the change will be regretted as injurious. No national benefit can result from this rigor; a few acres of land to the United States are nothing—but taken away from an individual, may cause distress and ruin. Many of them are strangers to your language, and unacquainted with your laws; their affections ought not to be estranged, when extending justice to them will secure their confidence. Congress have been liberal to the inhabitants of a conquered country, (I refer to the grants of land made to the heads of families in Illinois in 1783,) and no good reason can be given why the same liberality should not be manifested to the inhabitants of a country peaceably acquired.

On the first point, then, I think it is not to be controverted, that the cession of a country by one Power to another, ought not so to operate as to annul or destroy the title of an individual to his lands, whether that title be absolute or imperfect.

Sir, before I proceed to examine whether the laws of the United States in relation to land claims have operated to destroy or to confirm titles in the Missouri Territory, permit me to recur for a moment to the situation of Upper Louisiana while Spain possessed it. In the year 1780, with a feeble, thin, and scattered population, the country, at all times exposed to the incursions and insults of the savages, was threatened with an attack from their more civilized neighbors. To strengthen this remote frontier, emigration was invited. Lands were of no value to the Crown, and liberal donations were offered. They had the greatest abundance to bestow; they sometimes bestowed abundantly. Other inducements

were held out. No taxes were imposed. These inducements did increase the population, and many, who had suffered from conflicting titles in the Western States, emigrated. After being impoverished, by contesting their claims with individuals, they have now the sad prospect of a more unequal contest with their Government, for what they consider their own property.

Mr. Speaker, it may be here necessary to advert to a few facts, respecting the cession of that country. Spain ceded it to France on the first day of October 1800. France, without taking possession of it, and leaving the Spanish Government in the full exercise of the sovereignty, cedes it on the 30th of April, 1803, to the United States. This treaty was ratified on the 21st day of October, 1803, and the United States took possession of New Orleans the 20th of December, in the same year, and of Upper Louisiana the 10th day of March, 1804. The Spanish officers continued to discharge their official duties until the times last mentioned. Then, sir, the operation of Spanish laws on the grants before made, was arrested by the transfer of the country, and the taking possession of it by the United States. Then the people were congratulated in proclamations on being united to a free people, and in being secure in their property. Then the change was predicted as advantageous; and then what the Spanish Government had promised, the United States were to perform. Such, no doubt, was the intention, such the earnest wish of the Government. Sir, let us see what measures were taken to effect this desirable object. It was important for the welfare and prosperity of the people, for the honor and engagements of the nation, to begin on just and equitable principles; because, if the first act was erroneous, the difficulties would be increased. With nations, as with individuals, the first step being wrong, it is afterwards hard to get right. The first law declares, "that all grants for lands, or any act or proceeding towards the same, after the 1st day of October, 1800, to be, and to have been from the beginning, null and void, and of no effect in law or equity." This law, in my humble opinion, was a violation of every principle, either of law or equity. It declared that which had been legally commenced under another Government, to be null and void. It made void the lawful proceedings of a Power in the just exercise of the sovereignty. Instances have often occurred, where what had been lawfully begun, but not completed, has been sanctioned and acknowledged, especially when it depended on the performance of conditions which subsequent events had made it impossible to perform; but never could a lawful act be made unlawful. A right once vested could not, without any fault of the claimant, be either at law or in equity divested. Such a principle changed the nature of things, and was therefore odious.

The second law pursued the same error; it imposed new restrictions, and it required new conditions. Sir, the most meritorious claimants were the most rigidly dealt with. One of the conditions requisite to obtain a grant, was cultivation

of lands in the cold winter month of December. The laws might, with as much reason, have required that no confirmation should be made to a Frenchman, unless, on the 1st day of October, 1800, he could have spoken the English language, as to have affixed American conditions to Spanish grants.

In the same law, another new, and, in my humble opinion, illegal principle was introduced, that the date of a grant should not be conclusive. Mr. Speaker the acts of foreign Governments prove themselves. Even the decisions of foreign courts are conclusive in all parts of the world. It is always presumed the public officers act with integrity, and do their duty, unless the contrary appears. The date of an official act of the President might as well be questioned. Besides, in what manner is it to be established? The Spanish officers have left the country; and, if you do not give faith to their official acts, will you believe their inofficial declarations? Will you call a witness to prove the signature of the officer? Sir, it cannot be pretended.

Your laws were rigid; they required impossibilities. But rigid laws were enforced by still more rigid instructions. On the 26th of March, 1806, the persons appointed to investigate these claims are instructed that "a strict adherence on their part to the letter of the law, leaving to Congress such further and more liberal provisions as they may think proper, is the best means of preventing the dissatisfaction which disappointed expectations would otherwise necessarily produce." Again, on the 7th day of May, 1806, the instruction is repeated, "that they must adhere to the letter of the law, and not confirm any claim not strictly embraced by its provisions." Mr. Speaker, it was an almost impossible task to retrace former misshapen steps, so as to remedy the inconveniences which had resulted; and a fifth act, with more liberal provisions in favor of the claimants, was passed. The commissioners were authorized to confirm "not exceeding one league square." With general laws, applied to particular cases, with rigid instructions to govern them, justice could not be done. The same law, and the same facts, ought to have produced the same decision in every part of Louisiana; justice to one could not be injustice to another in the same situation. Yet your laws have been so amended and altered by ten or eleven several statutes, that the difficulties, instead of being diminished, are increased, the confidence of the people is weakened, and the "further and more liberal provisions" before hinted at are most imperiously called for.

The fact cannot be denied, that the people of the Territory from which I come are in a worse situation in this respect than others. The gentleman on my right (Mr. ROBERTSON) has been a land commissioner in Louisiana, and I can safely appeal to him for the correctness of this statement. The simple fact, that there are a greater number of land claims in the late Territory of Orleans than in Missouri—and there only six hundred and eight claims have been rejected in

the first, and two thousand one hundred in the last—will, I presume, satisfy the House that full and impartial justice has not been done. A distinct and separate examination of these claims, by Congress, would occupy a whole session, and that would ultimately be done which is now proposed. If other proof is wanting to establish the point, that the laws of the United States have not operated to confirm the titles, it is found in the resolutions, of the General Assembly of that Territory, now before me.

It now only remains for me, Mr. Speaker, to consider very briefly whether the present bill will do full and complete justice to the claimants. During the ten years of scrutiny and investigation, few have made improvements. Many families, despairing of obtaining their equitable claims, and tired of the uncertainty attending their titles, have abandoned a country which cannot prosper without the fostering aid of the Government. And if the delay of justice has not, in all cases, been equal in its consequences to an absolute denial of it, still it has caused much distress and injury. The present bill will quiet the apprehensions of most of the claimants; and, although it will neither satisfy nor do justice to all, yet it will restore that confidence which has been much impaired, and will do what the national faith is pledged to do. These, sir, are a few of the reasons which induce me to hope the motion may prevail.

The said amendments were then concurred in by the House, and the bill being further amended, it was ordered to be engrossed, and read the third time to-morrow.

The bill from the Senate, "providing for the indemnification of certain claimants of public lands in the Mississippi Territory," was read the first time; and the question was stated, that the said bill be read the second time, on which the House adjourned.

#### TUESDAY, March 8.

Mr. FISK, from the Committee of Elections, made a report on the credentials of members claiming seats in the House; which was read, and ordered to lie on the table.

Mr. KENT, from the Committee for the District of Columbia, reported a bill to incorporate the Farmers and Mechanics' Bank of Georgetown, in the District of Columbia; which was read twice and committed to a Committee of the Whole.

Mr. TROUP, of Georgia, from the Committee on Military Affairs, to whom was committed the bill from the Senate for the better supply and organization of the Army, reported the same with sundry amendments, which were read and referred to a Committee of the whole House.

#### FOREIGN ARMED VESSELS.

Mr. GRUNDY, of Tennessee, from the Committee of Foreign Relations, to whom was referred so much of the President's Message at the commencement of the session, as relates to these matters, reported the following bill:

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A bill concerning the use of the ports and harbors of the United States by foreign vessels of war.

*Be it enacted, &c.,* That the President of the United States may allow to any foreign Power or Powers, or their subjects, as the case may be, in amity with the United States, to fit out, arm and equip for war, public and private ships, to dispose of their prizes, and procure supplies in the ports and harbors of the United States, so far as will be consistent with the obligations of the United States to other Powers in amity with the United States: *Provided, however,* That no privilege allowed in any such case shall be continued after it shall be known that a like privilege is not allowed to American armed ships, public and private, in the ports and markets of the foreign Power to which, or the subjects of which, the privilege aforesaid may be allowed in the American ports and harbors.

*Sec. 2. Be it further enacted,* That the President of the United States be, and he is hereby, authorized to take adequate bonds with sufficient sureties of owners of such privateers, and to adopt such other regulations to secure the due performance of the foregoing provision, whenever in his judgment circumstances may require it.

The bill was twice read and referred to a Committee of the Whole.

#### POST OFFICE ESTABLISHMENT.

Mr. INGERSOLL, of Pennsylvania, from the select committee to whom was committed the inquiry into the practicability of a reform in the Post Office Department, reported the following bill.

A bill supplementary to an act, entitled "An act regulating the Post Office Establishment."

*Be it enacted, &c.,* That all postmasters in the distributing post offices, and in all incorporated cities within the United States, shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and that, from and after the first day of May next, no person shall act as such postmaster within the United States, who shall not have been thus first nominated and appointed.

*Sec. 2. Be it further enacted,* That every postmaster shall return and exhibit quarter-yearly to the Postmaster General, together with a general account of the receipts and expenditures of his office, a particular account showing the number of clerks employed in his office, their names and respective compensations, which said accounts shall be certified by the oath or affirmation of the said deputy postmaster respectively, and returned by the Postmaster General, together with his quarter-yearly accounts, into the office of the Secretary of the Treasury.

*Sec. 3 And be it further enacted,* That no contingent fund whatever shall be left in the disposition of the Postmaster General, or of any assistant or deputy postmaster; but, instead thereof, a regular quarter-yearly account shall be kept by each office of all their expenses, for rent, fuel, stationery, clerk hire, and the same and every other charge allowed quarter-yearly out of the funds in their hands, accounts thereof distinguishing each item, certified by oath or affirmation, being returned by each deputy postmaster as aforesaid to the Postmaster General, and by him into the office of the Secretary of the Treasury, together with his own accounts quarter-yearly.

*Sec. 4. And be it further enacted,* That no assistant or deputy postmaster shall enjoy the privilege of franking; but instead thereof shall be allowed to pay

out of the public fund in his hands, and charge for all letters he may send on the business of the Post Office Establishment: *Provided always,* That the amount thus expended be returned quarter-yearly, together with his general account, and as a part of the same, verified by oath or affirmation to the Postmaster General.

The bill was twice read and committed.

#### YAZOO CLAIMS.

The bill from the Senate for compensating certain claimants to lands in the Mississippi Territory, was taken up, and, having been once read, the question was stated, Shall the bill be read a second time?

A motion was made to lay the same on the table, but, at the earnest suggestion of Mr. FISK of Vermont, and Mr. LATIMORE of Mississippi, was withdrawn.

Mr. TROUP, of Georgia, said he rose with great reluctance to move to reject the bill. There were only two considerations which could induce him to depart from the respect due to another branch of the Legislature; either that a measure emanating from it was unconstitutional or corrupt. It was because this measure had its origin in corruption he moved to reject the bill. When I say, sir, that this measure has its origin in corruption, I do not mean to be understood as charging corruption on the Senate—all I mean to be understood as saying, is, that this measure flows from corruption, as a stream flows from its source; it flows from the corrupt act of the Legislature of Georgia, of 1795. The bill proposes to give five millions of dollars to the Yazoo claimants. The Yazoo Legislature sold for five hundred thousand dollars—Georgia sold to the United States for one million two hundred and fifty thousand dollars only, and you now propose to give five millions to the claimants to compromise their claim. How will we be able to account for this? How will posterity be able to account for it? Posterity will say that these claimants, like the gods of Milton, carried the mountains in their hands, and wielding the fifty millions of acres under the decision of the Supreme Court, have carried everything before them.

You know the history of this transaction, sir. On the 7th of January, 1795, the Legislature of Georgia sold to certain individuals, called the original grantees, fifty millions of acres of land for five hundred thousand dollars—every member who voted for the law, except one, whose name does not appear, was bribed and corrupted, that is to say, was interested in, and the party to the purchase. On the 13th of February, 1796, the subsequent Legislature declared the corrupt act null and void; ordered the record to be burnt, and authorized the grantees to withdraw the purchase money. The convention of the whole people soon after confirmed the rescinding act. On the same day, that is to say on the 13th of February, 1796, the Yazoo claimants purchased from the original grantees. The claimants say that they are innocent purchasers, without notice of the corruption—that an estate vested notwith-

standing the corruption, and that they have a good title against you. It may be well to observe here that the claimants have constantly shifted their ground. At first they insisted that the Yazoo act of 1795, was a fair and honest act of legislation. As soon, however, as the report of your Commissioners, which exhibited the fraud in its nakedness, drove them from this ground—they insisted on the innocence of their purchase. Driven from this ground, they throw themselves on your mercy. Do not believe, sir, that the corruption in which this transaction was engendered was a corruption of any ordinary character; it was a corruption without example in history; may it never find a parallel! Not merely were the corrupted corrupted by the corrupters—the corrupters cheated the corrupted—the corrupters cheated one another, and the corrupters, as they say, cheated these claimants. The members of the Legislature were bribed with land and money: in some instances the member gave his vote, and the corrupter withheld the bribe; the member went home—he had lost his character—he had lost his bribe, and he died broken hearted in the bosom of his family. When the rescinding Legislature, in a spirit of liberality which became them, decreed that the original grantees might withdraw the purchase money, on producing certain evidence of their having made the deposit—such a scene of fraud, iniquity and depravity was exhibited, that the Governor, familiar as he had been with such scenes but a short time before, blushed and shut the doors of the treasury against them. Men concerned in this transaction, but who had not deposited one dollar, by perjury, forgery, or some other crime, drew thousands from the treasury; those of the speculators who had actually paid the money, were then defrauded by their brethren. On the other hand, some of the original grantees allege that they were cheated by these claimants—that the claimants gave them paper for their land, which paper turned out good for nothing. Thus, sir, you see this Yazoo transaction is a circle of fraud. It no doubt had a beginning, but it is certainly without end, unless you consummate it by this measure.

As good fortune will have it, Mr. Speaker, this is one of the plainest cases that can be presented to the understanding. The claimants either have a claim, or they have not. If they have a claim you may compromise a claim; if they have no claim, you cannot compromise no claim. If they have a claim, it is a claim to fifty millions of acres of land, and you ought to give it to them, and say no more about it. Could you entertain a thought for one moment to avail yourself of your power to do wrong and injustice to these impotent individuals? Surely no man will have the hardihood to say that the magnitude of the claim ought to weigh one tittle in the scale of justice. The claimants either have a title of fifty millions of acres, or they have not a title to a square foot. How do they derive the title? From the original grantees. How do the original grantees derive title? From the Yazoo Legislature of '95. Their title, therefore, must de-

pend on the validity or invalidity of the Yazoo act of the Legislature of Georgia—it can depend on nothing else. If the Yazoo act was a good and valid act, an estate vested in the original grantees; the grantees passed the estate to these claimants, and the claimants have a good title against you. If the Yazoo act was a null and void act, no estate vested in the original grantees; if no estate vested in the original grantees, they could pass none to these claimants, and if no estate passed to these claimants, on what pretence can they set up the title against you? Are the Congress of the United States prepared to say that the Yazoo act, notwithstanding the corruption of the Representatives of the people, was a good and valid act? That it divested the public property out of the people and vested it in the grantees? Are the Congress of the United States prepared to say, that the Representatives of a free and virtuous people may fraudulently and corruptly betray that people, and barter their rights, and that the people are without remedy. That an estate did vest by the Yazoo act, which could not be divested by any subsequent act! Sir, it is impossible. This doctrine is too monstrous to be entertained by a moral people, who love liberty—it strikes at all virtue, at all morality—it overturns Republican Government. You cannot, you dare not, sanctify this doctrine. If you dare, one or two things must happen; the people are ready to approve it, or they are not—if they are, they have lost their virtue, and we must seek shelter under despotism; if they are not, you will go out and other men will come in. Not the gentlemen on the other side of the House—they never can come in—men will come in who will discountenance corruption, cherish virtue, and preserve the principles of the Government, pure and uncorrupted. I address myself to the Republican party; let them remember how they came into power. The Federalists had been charged with monarchical attachments; with cherishing corrupt principles of Government. The people believed it. They said the Government was not safe in such hands—they turned them out. You succeeded. The people said to you—take this sacred trust. Do your duty faithfully; preserve the principles of this happy Government pure and uncorrupted, and be ready to hand it over to your successors whenever you shall be required, more pure and uncorrupted than when you received it. Will you do so when you have decreed that the Representatives of the people may corruptly divest the estate of the people, and that they are without remedy? Yet, sir, this you must do the moment you decide to compromise this claim. But you have no reason, no motive, no apology, for thus deciding. I will take away from every unprejudiced man in the country every pretext, every apology for compromising this claim. I insist that the Yazoo Legislature had no Constitutional power to sell the land.

1st. I contend that the Legislature had no Constitutional power to sell.

2d. That if they had Constitutional power to

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sell, they could not sell fraudulently and corruptly.

3d. That if, notwithstanding the fraud and corruption, an estate did vest in the original grantees, according to the decision of the Supreme Court, these claimants having notice of the fraud, are parties to it, and without title in law or equity.

There is no power given in the Constitution of Georgia, and without an express grant of power the Legislature cannot possess it. This is the doctrine distinctly, clearly, and unanimously maintained by the writers on public law. The reasons on which it is founded are as distinctly given. The people are seized, collectively and individually, of the public territory—it cannot be taken from them without their consent—it cannot be taken from them without their express consent—consent shall not be implied. 1st, because the power to sell the public domain is not a power incidental or necessary to the power of legislation. 2dly, because it is too important a power to be derived by implication or construction. Not only is this the universal doctrine of the publicists, of Grotius, Puffendorf, Vattel, Burlamaqui, and others, but it is the doctrine to which all our political institutions have conformed. In the Constitution of the United States, as well as the constitutions of the States, you see the doctrine clearly recognised. In the Constitution of the United States it is said “Congress shall have power to dispose of, and make all needful rules and regulations concerning the public property.”—Why was this power expressly granted? Because the Convention knew that if not expressly granted it could not be derived by implication or construction. So, in the State constitutions, the doctrine is recognised: “the power to dispose of the public domain being in the people, cannot be taken from them without their consent.” I know it may be said that there is a difference between the United States and State constitutions, in the character of their powers—that in the United States Constitution all powers not delegated are reserved—that in the State constitutions all powers are delegated but those which are reserved. This is true, but by all powers is meant only all ordinary powers, all powers that are essential and necessary or incidental to the general power of legislation; extraordinary powers, powers not essential to the general power of legislation, are, even in the States, retained by the people, and cannot be divested out of them without their express consent. This power to dispose of the public domain is an extraordinary power; for, say the publicists one and all, this power is so essentially in the people, that even under the violent Governments of Europe, the despot has no power to dispose of the public domain without the express consent of the people. I know too it will be said that the State Legislatures have in some instances disposed of the public property without an express grant of power to warrant it. I answer that in every such instance the Legislature was guilty of usurpation, and the people not bound—that if

the people pleased to yield a tacit acquiescence, well and good—they did so because their attention had not been called to the usurpation by a flagrant and palpable corruption—but will you believe that if in any such instance the usurpation had been coupled with a notorious corruption of their Representatives, they would not have resisted—that they would not have risen in mass, as did the people of Georgia, to put down the corruption and the corrupted?—a people who would not, must have lost their virtue and been ready for a tyrant. I say, therefore, the Yazoo Legislature of Georgia had no power to sell the public property.

But if the Legislature had Constitutional power to sell, it could not sell fraudulently and corruptly. Do you ask proof of this?—fraud and corruption vitiate every act, render it null and void *ab initio*; no contract, no obligation, can grow out of it. The powers granted by the people to their Legislatures, are granted in confidence that they will be fairly and honestly exercised. What would you think of the declaration of a constitution, “the powers herein granted shall be honestly exercised?” would you not consider such a declaration ridiculous, and ridiculous because superfluous? Is not the implication as strong as any expression could be, that every fraudulent act of legislation is merely void? Suppose it were written in any constitution, “the Legislature shall have no power fraudulently and corruptly to betray the people,” would you not too consider this ridiculous, and ridiculous because superfluous? Suppose it were written in any constitution, “the Legislature shall have power fraudulently and corruptly to sell the public property,” would not such a grant of power be merely void, though proceeding from the highest human authority, the people themselves? And why void? Because repugnant to the laws of God and nature; nay, sir, I go farther, I say the great God of Heaven himself could confer no such power—if the great God of Heaven were to decree “the Legislature shall have power fraudulently and corruptly to sell the public property,” the decree would be merely void, because inconsistent with his holy attributes. And yet, sir, the Senate require of us to do that which the God of Heaven himself cannot do—legalize fraud and corruption—they require us to declare that, notwithstanding the fraud and corruption of the Georgia Legislature, an estate did vest in the original grantees which it was competent to the grantees to transfer to the claimants; that the claimants have a title against you, and that to relinquish that title we must give them five millions of dollars. This is making war upon the people with a vengeance. To talk of the rights of the people after this is insult and mockery. But why is it that the corrupt act of the Representative is not binding on the people? For this plain reason, the corruption of the Representative must precede the corrupt act; the moment the Representative is corrupted, the moment he has betrayed his constituents, all ties and connexion between them are dissolved, and he is no more capable of binding them than



the merest stranger. Any other doctrine makes Republican government a farce—makes morality and religion idle sound. If corruption can divest the estate of the people, it can do any other act—it can legalize murder, robbery, treason—it can give universal license to crime. I say, therefore, that if the Legislature of Georgia had Constitutional power to sell, it could not sell fraudulently and corruptly. The Yazoo act was merely void, and the rescinding act which declared it so was only form, the people were in possession, continued in possession, and were not divested by it.

3dly. If, notwithstanding the fraud and corruption, an estate did vest in the grantees, yet the claimants having notice of the fraud, are, according to the decision of the Supreme Court itself, guilty purchasers, without claim or shadow of claim. I say, sir, the claimants had notice. Let it be remembered, Mr. Speaker, that our Government differs from all other governments in this singular but valuable characteristic—it is limited by written constitutions. In other countries it is said the acts or the grants of the Government speak for themselves—nothing shall be admitted to contradict them. Not so in our country; every act or grant of the Government must be consistent with the written Constitution. Every man is presumed to carry the Constitution in his head or in his pocket, that he may at all times be ready to compare the acts of Government with the Constitution. If the claimants had done this, if they had compared the Yazoo act with the constitution of Georgia, they would have found no power in the constitution authorizing the Legislature to sell, and this circumstance alone would have put them upon their guard—at least this would have been the effect on all rational and prudent men.

But there was cause of suspicion on the very face of the act itself. The Legislature sold fifty millions of acres of as fine a country as any on the globe for five hundred thousand dollars. Would not prudent men looking at this single fact, have inquired how comes this? Would not prudent men about to embark in a speculation so enormous have thought it worth their while to send an agent from Boston to Georgia, to scrutinize and investigate the merits of this transaction? But, sir, these are circumstances to excite suspicion only. The people of Georgia themselves gave to the claimants the most prompt, direct, and unexceptionable notice. Remember that more than a year elapsed between the passage of the Yazoo act and the purchase by the claimants. The events which followed the passage of the Yazoo act portended a revolution in Georgia, as terrible and as bloody as the revolution of Paris or of La Vendée. If the claimants had lived in the farther India; if they had lived in the islands of the Pacific Ocean, they would have received notice long before they purchased. Scarce had the Yazoo act passed the Legislature when the whole country was in a ferment. The great body of the people, who, unlike their Representatives, remained uncorrupted and faithful to themselves, were everywhere in motion to counteract

the projects of the traitors. Their grand juries and committees everywhere denounced the act an usurpation, called upon the country to assert its rights and to put down the corruption and the corrupted. General Jackson—Sir, I cannot think of General Jackson without speaking of him as a man of rare patriotism and integrity—a man who, if he had lived in the days of Rome's greatness, or rather of Rome's virtue, would have had his bust in the Capitol—I speak of him thus, because his memory is intimately connected with this transaction; he was the only man I ever did know who was at all times ready to lay down his life, to sacrifice his wife and children and his fortune to his country. General Jackson was at that time a Senator in Congress at Philadelphia; he was called by the people of Georgia, publicly called from his seat in Congress to aid in rescinding the usurped act—he obeyed. The address of the people and his answer were published in all the newspapers of the day. A man by the name of Thomas, one of the corrupted Senators, was murdered in his own house, that he together with his testimony (for he bore witness to the corruption and threatened to confess) might be consigned to oblivion. By some it was said the speculators had murdered him, by others that his indignant constituents had done the deed. The truth is, that the greatest efforts were necessary to restrain the people from acts of violence. Now, sir, all these things were done, not in secret to deceive the innocent purchasers of New England; they were done publicly and in the face of day; they were published in all the newspapers of the time, from Boston to Savannah; and yet these things were to the innocent purchasers of New England, as if they had never been. Yes, sir, if you believe the claimants they were as ignorant of them as the people of Crim Tartary. They tell you they never read newspapers. The mail running weekly between Boston and Savannah—the coasting trade open—and yet the claimants are innocent purchasers; for one whole year they heard not a word of what was passing in Georgia. If the mails had been stopped, if the coasting trade had been interrupted, if all communication had been cut off, this plea of ignorance might have been set up. In the then state of intercourse of the civilized world, if the claimants had lived in Batavia they would have had notice long before they purchased.

But there is other evidence of notice still more conclusive. On the 17th of February, 1795, that is to say six weeks after the passage of the Yazoo act, General Washington sent to Congress a public message to the following effect: "I have received copies of two acts of the Legislature of Georgia, one passed on the 28th of December, the other on the 7th January last, for appropriating and selling the Indian lands within the territorial limits claimed by that State. These copies, though not officially certified, have been transmitted to me in such a manner as to leave no room to doubt their authenticity. These acts embrace an object of such magnitude, and in their consequences may so deeply affect the peace and welfare of the United States, that I

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'have thought it necessary now to lay them before Congress.'

Here then was notice to all the world, notice at least that something was wrong. General Washington, from the elevation of his high office, standing as it were on the top of Mount Sinai, with an angel voice, reaching the extremities of the earth, proclaimed, beware! A more distinct, audible, universal notice could not have been given to all mankind. The claimants heeded no more the warning of General Washington than they did the barking of a foist. Congress referred the message to a committee. The committee reported a resolution and bill authorizing the Executive to extinguish the title of Georgia to the country in question. With the Yazoo act before them, the committee did not deign to speak of the sale to the claimants, but, treating the Yazoo act as null and void, proceeded to treat with Georgia for the extinguishment of her title. The claimants say they never heard of the proclamation of General Washington. They never read newspapers.

But this is not all—the claimants stand convicted under their own hands and seals; they are guilty purchasers on the face of their own title deed. Not only did their title deed not contain a general warranty in their favor, it contained an express stipulation, that in no event would they, the claimants, go back upon the grantees from whom they purchased, for even the consideration money, on account of any defect in their title. Under their own hands and seals did the claimants covenant and agree that the grantees of whom they bought should not be liable to refund the purchase money, if their title turned out to be defective. Sir, this is a fact so extraordinary and incredible, that if it were not recorded on the title deed itself, I would hesitate to declare it. It is without example in transactions between man and man. Do you not see, but for this, the claimants would have resorted to the original grantees for their purchase money, with interest and damages; that is to say, they would have resorted to the same remedy as all other men do under like circumstances in every country; they would have recovered their purchase money paid for a consideration which had failed, for a title which had proven defective, with interest and damages—they would, in fact, have had all the remedy to which innocent purchasers, without notice, are entitled by the laws of any country. But they precluded themselves by their own act and deed, and because they have done so, are we bound to indemnify them? They have as much right to apply for indemnity to the Emperor of China. But there is another fact; the rescinding Legislature met in the beginning of January, '96—the claimants purchased on the 13th of February, '96—on the opening of the Legislature the preparatory motion was made to rescind the usurped act; the claimants, therefore, had six weeks to inform themselves of what was doing and what was about to be done in the Georgia Legislature, before they purchased. But there is another fact, which ought to be conclusive on this point—a

gentleman from Massachusetts, many years a member of this House, resident in the neighborhood of Boston, uniformly declared they had notice; that gentleman, respectable for his good sense and integrity, intimately acquainted with the parties, constantly passing in and from Boston, perfectly familiar with the circumstances of the purchase, constantly affirmed that he was himself knowing to the corruption of the Georgia Legislature at the date of the purchase, and that the claimants were as knowing to it as himself. Here, then, is the testimony of a disinterested man. You oppose to it the declarations of the interested claimants. The truth is, the claimants had knowledge of the fraud. Like other speculators, they bought to sell again; all they wanted, was the wax and the parchment. They cared not a straw for anything else; for fraud or corruption, or defect of title, if it answered the purpose of the grantees, it would answer the purpose of the claimants; the claimants took the title deed for better for worse, and if they had not known that Congress might be teased and worried out of anything, they never would have had the effrontery to set up a claim against you.

But, it is said the commissioners reported in favor of a compromise. What does this amount to? No more than a report of a committee of the House, which you respect only as its merits may entitle it to respect. The commissioners investigated the claims; laid before you in all its nakedness the fraud and corruption, from beginning to end, and came to the conclusion which no man of common sense could avoid, that the claimants had no title whatsoever. Here, sir, the commissioners ought to have stopped; but, strange to say, they suggested to Congress the expediency of a compromise. What! you ask, is it possible that such men as Mr. Madison, Mr. Gallatin, and Mr. Lincoln, should have followed up such a conclusion by such a suggestion? No title, and yet recommend the compromise of a title! Never were two propositions more inconsistent. You will say there must have been some reason for this. I will tell you the reason: it was the same reason that operated on the 10th Congress to surrender the embargo—the clamor of a formidable party. The commissioners were surrounded by a host of claimants, as we are now; they found them a troublesome set, growing every day stronger and stronger. They yielded—they said, though they have no title, yet you had better give them money and send them about their business. This is all that can be said now.

But, it has been alleged, that the United States have engaged to compromise. Not so. The United States are as free to compromise, or not to compromise, as if nothing had been said or done on the subject. It is said that the United States are bound to compromise, because five millions were set apart by the articles of agreement and cession, for the indemnification of these and other claims. True! But on condition only, that Congress should, upon an investigation of the merits of the claims, believe that in right and justice, they ought to be compensated. The

history of this part of the business is simply this: When the commissioners of the United States and of Georgia were negotiating the terms of purchase of the Mississippi Territory, the claimants got about them and harassed them with incessant importunity. The commissioners of the United States said to the commissioners on the part of Georgia, you see how we are embarrassed by these claimants; will it not be better to quiet them, by making a reservation in their favor? Never! indignantly answered the Georgia commissioners; we will never consent to compromise the infamous corruption. But, said the commissioners of the United States, will you not agree to make a conditional reservation, leaving it to the United States to make them compensation, or not, upon an investigation of the merits of their claim? To this the commissioners of Georgia could have no objection; it was a matter for the United States. They did object, however, to give any pledge whatsoever to compromise the claim. Nay, more; they insisted that if Congress did not within a year set apart the five millions of acres, it should never be in the power of Congress to compensate them at all, under any circumstances. The commissioners on the part of Georgia said to the commissioners of the United States: If the United States choose, at any time, to compromise this corruption, we cannot help it; but we will never give our sanction or countenance to it, because we believe the claim unfounded in right, justice, or morality; if you upon investigation think otherwise, here are the five millions of acres set apart, out of which you may compensate; if you can, even *in foro conscientie*, consent to compromise this corruption, be the shame and scandal of it upon you. The United States did accordingly within one year set apart the five millions of acres to compensate this and other claims, but upon the same condition and in the same words as the articles of agreement and cession; that is to say, upon condition that the United States upon an investigation of the merits of the claims, should determine they were founded in right and justice. The question is now as it has always been, are the claims founded in right and justice?

But to remove every impression that the United States are pledged in the remotest degree, I refer you to Mr. Gallatin himself, and to the report of a committee of the House, at the last session. Mr. Gallatin, in his letter addressed to Mr. Dana, the chairman of the Yazoo committee, dated 9th January, 1805, says, (speaking of the object of the reservation of the five millions,) "to leave it in their power to compromise with that description of claimants, by allowing so much of the surplus of five millions of acres as they might think proper, without, at the same time, pledging Government to enter into a compromise, if upon a full view of all the circumstances of the case, a different course was thought more eligible." Thus, you see, according to Mr. Gallatin, the United States are at perfect liberty to compromise or not, at their discretion, as if no articles of agreement and cession had ever been

entered into; as if no law had ever been passed setting apart the five millions of acres. Your committee appointed on this subject at the last session of the last Congress, say the same thing. Their language is, "Congress is not bound to compromise, if, upon an investigation of the merits of the claims, they shall be found unsupported by right and justice." The assertion, therefore, that the Government is pledged, is a mere pretext, as is every other reason assigned for the compromise.

But it is contended that the Supreme Court have decided in favor of the claimants and against the United States; that it is better to give up a part than to lose the whole. Sir, there is no danger of our losing the whole or a part, if we will do our duty to ourselves and to the country. The Supreme Court cannot decide the rights of the United States in a case to which the United States not only were not a party, but to which they cannot, by any Constitutional possibility, be a party without their consent. The case of Fletcher and Peck was a decision of a feigned issue, made up between two speculators, to decide certain points, in the decision of which they were interested. Will any man, in his senses, say that the right of the United States to the public property could be affected by such decision? This doctrine is almost as shocking as the other doctrine set up in support of the compromise. The representatives of the people may betray the people, and the people are without remedy. I trust, sir, that neither the one or the other will be countenanced by you; but that you will, without hesitation, reject the bill. Whenever it is conceded that it is competent to the Supreme Court, in a case between A and B, to take from the United States fifty millions of acres of land, it will be time for the Government to make a voluntary surrender of the public property to whosoever will have it. The public property would be nothing but an expense, an encumbrance, which it would be profitable to shake off with as little delay as possible. No, sir; the Government is the guardian, the trustee of the public property. Like all Governments, they must of necessity determine their own rights of property; and if they remain faithful to those rights, all the decisions of all the judicial tribunals under Heaven cannot deprive you of a square acre of the public land. But, sir, I am tired and disgusted with this subject. I hope the bill will be rejected.

Mr. WRIGHT, of Maryland, took the floor in reply to Mr. TROUP, and commenced by a brief statement of the case, nearly as follows. The Legislature of Georgia, in the year 1795, by an act, (the title of which he recited,) sold the lands now in controversy, and received into the Treasury of Georgia the whole purchase money, or so much as the act required, and received in return an act duly authenticated of the State of Georgia, conveying the land, from the Governor of that State. In December of the same year, the Legislature of the same State declared that act to be null and void. The first act, indeed, contrary to the opinion of the gentleman who has just sat

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down, had been considered to be authorized by the Constitution of Georgia, for the Legislature not only repealed it, but a convention was called, and the Constitution changed so as to wrest from the Legislature a power they had corruptly exercised. By these acts the Legislature recognised the Constitutional power of the former Legislature to sell the land, and the validity of the act itself. By the Constitution of the United States, full faith and credit were required to be given to the public acts, records, and judicial proceedings of each State. Now a statute was a record of the first order, and to it full faith and credit must be given, unless they meant to tear this leaf out of the Constitution. The act of Georgia was formal and precise, conveying land for a certain consideration, and in virtue thereof the land was conveyed. Could a lawyer be found on earth, on the production of this evidence, who would go into the inquiry whether the body which passed that act had been corrupt or not? The sovereignty of a State resided in the Legislature. The acts done under any law passed by a Legislature must be valid, and though it may be repealed in future, those proceedings cannot be invalidated. If a compromise of claims thus valid could be effected, he felt it to be his duty to make it, and he believed the interests of the country imperiously to require it. Though the ways of justice may be slow, they will be sure, and if a compromise be not effected, the claimants will obtain the whole of their demand. But the gentleman from Georgia had, in conclusion, remarked that the courts had surreptitiously decided this case. The parties might have brought it surreptitiously before the court, but the court had no share in it, for their wish was to decrease rather than to increase the business of the court. But the case had been decided on a suit, the investigation of which brought before the court all the circumstances, and the court had decided that payment of a bond given for the purchase of a part of this claim could not be withheld on the ground that the claim was not fairly acquired. It had been alleged, and it was no doubt true, that the first purchase was corrupt and fraudulent; but the claim did not, Mr. W. contended, now rest on its original merits; if it did, he should be as decidedly opposed to it as any one. Mr. W. then quoted the act reserving five millions of acres of the land ceded by Georgia to the United States, for the purpose of covering such claims, evidently intending the claims contemplated by this act, as should be brought forward hereafter, and entered into an investigation of its object, and the motives of those who advocated it. He adverted to the clamor by which this subject had been confused heretofore, and to the typographical denunciations which condemned many a man unjustly, without meeting him fairly on his motives. He said he should not go back to consider the original question of the validity of this claim, which, however, had been established by the decision of the Supreme Court, because the commissioners had determined that if these persons would accept of five millions of acres in lieu of their

claim, they should have it. The claim, however, was one which every judiciary in the world would declare perfect; and would not any one be deemed a madman, after a decision of the Supreme Court against him, who would refuse to receive a relinquishment of the claim adjudged against him, when he could obtain it for a tenth part of its amount? The former rejection of a bill of the same nature as this, Mr. W. said, was owing to out-of-door clamor, and the denunciations he had before referred to, which had caused it to be rejected without a consideration of the merits of the question. The geographical position of the claimants of this land, he further said, ought to induce the House not now to reject it again without due consideration. There never was a case so surrounded with authority as was the compromise embraced in the bill now before the House. A Secretary of State, (now President,) a Secretary of the Treasury, and an Attorney General, on behalf of the General Government, and three Representatives from Georgia, on behalf of that State, had combined to recommend it. He again adverted to the advantages this mode of settlement offered to the Government, and dwelt on it at some length, as well as on the sanctity of the title of the present claimants under the decision of the Supreme Court, against whose awards he hoped never to see the bayonet employed. He feared not to advocate this bill on account of the clamor against it. Let justice be done though the heavens fall. With the views of the case he had taken, Mr. W. said he was prepared to let the bill take the usual course of all bills in this House, and therefore, was against rejection.

After the interchange of a few further remarks, in a low tone of voice, between Mr. TROUP and Mr. WRIGHT—

Mr. FARROW, of South Carolina, spoke at considerable length against the bill. We shall only attempt a recapitulation of the principal points of his speech. He stated briefly the facts of the case. If the first act of Georgia was lawful and proper, no subsequent act of repeal could rescind or impair contracts under it. But the original act was void, on the principle that any deed or grant obtained by fraud is null; and on the other hand, though the repealing act was nugatory, the honest intention of the Legislature who passed it was shown by the idea it held out that any money paid under the former act should be refunded to the claimants. After some general remarks on the nature of contracts and conveyances, he remarked, that if you constitute an agent you are bound by his acts performed under authority; but if he openly and wickedly engage in a fraudulent transaction to injure you, he is no longer in the eye of the law your agent; you are no longer responsible for his acts. That there was fraud in this case was beyond question, as was proved by abundant evidence, some of which Mr. F. quoted. It had been said, also, that the present claimants were purchasers without notice, and therefore guiltless of the fraud, and entitled to their claim. Mr. F. denied that they were purchasers

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without notice, and cited dates, circumstances, and documents to show that they were not. But it had been said the Government was pledged on this head. If that were a fact, Mr. F. said it was a stubborn one, and would decide his vote. But the Government was not pledged. He had in vain looked for any act pledging them, and defied gentlemen to point it out to him. Neither the compact with Georgia nor the subsequent acts of Congress contained any such pledge. As to this compromise proposed, how did Congress know the claimants would accept it? Would it not be binding on the United States without being at all obligatory on the claimants? He believed it would; and being therefore opposed to the bill in every point of view, should vote to reject it.

Mr. LATTIMORE, of Mississippi, expressed his admiration of the zeal of the gentleman from Georgia, but could not think it correctly applied. What would be the consequence of the defeat of this compromise? Did gentlemen mean to publish those who were guilty for the fraud committed in this transaction? If they did, they would miss their aim. They had almost universally sold out their claims to second persons. The original purchasers were generally persons who had sustained a good reputation and all that distinction in life which wealth is calculated to excite. Even if they desired to punish second purchasers, they would miss their aim; for they were also secure. The Supreme Court, from which there is no appeal, had decided the principle in favor of them. What then would be the consequence of refusing to compromise these claims? The people of Mississippi Territory, who live on the land embraced by these claims, will suffer; the blow will fall on the devoted heads of those who have acquired rights under Spanish and American grants, and for whom no reparation is provided. I have been asked, said he, what part of the Mississippi Territory is embraced in the claim, and I have endeavored to inform myself. It embraces two-thirds of a territory four hundred miles square. What settlements are put in danger? A strip of territory extending from Tombigbee to the Mississippi is not embraced; every other settlement, plantation, and house, in the Mississippi Territory is involved and in danger. The gentleman from Georgia says, if their claim be good, give the claimants the whole fifty millions of acres, and say no more about it. Say no more about it! Are the people of Mississippi to be turned from their homes, to sustain all the consequences, and no reparation to be made them? As to this project of a compromise, Mr. L. said, he was not particularly partial to it, though he had reason to think favorably of it, because of the source whence it had emanated, and because it was the only one that had ever been proposed. What would be the course, he asked, these claims would take, if no compromise took place? So soon as there should be a court in that Territory with federal jurisdiction, an action of ejectment would be brought. He had himself, he said, before now, seen the bloody consequences of an action of ejectment in individual cases; and what would they be when a whole

community of twenty thousand persons were to be ejected, evicted, driven from possession? He did not speak of things as he wished, but as he apprehended; and he called upon the House to protect that people from consequences which he was fearful would be realized. The other branch of the Legislature had performed a solemn duty in passing this bill, and it now rested with this House to preserve the rights and peace of the people of the Territory he represented, to preserve them from litigation and vexation, from distress, from blood.

Mr. HALL, of Georgia, produced a record of the date of purchases of the present claimants to show that they had notice of this most fraudulent transaction that ever disgraced this nation. He denied the power of the Legislature of Georgia in any way to have sold the land in question, and called on gentlemen to point it out.

Mr. FISK, of Vermont, spoke decidedly against rejection. He acknowledged the atrocity of the fraud of the transaction; but claims had arisen under it, on which some decision, ought to be speedily made, as well to settle the course of proceeding, as to put an end to the feelings it created in this House. Even our laws on general subjects had features in them, he said, produced by the agitation of this question, which posterity would always regret. Another reason for deciding at once, and solemnly this question was, that the very evidence of the fraud, which no pains had been taken legally to perpetuate, was decaying and wearing out of existence, and in a few years even that could not be introduced against their claims in a court of justice. The propriety of quieting the minds of settlers, indeed every consideration, concurred to require an immediate decision, &c.

Mr. INGERSOLL, of Pennsylvania, professing himself unprepared to decide understandingly on this very interesting question, moved to lay the further consideration of the bill on the table. For the motion 60, against it 81.

This motion being lost, Mr. F. moved to adjourn, which motion was also lost—yeas 61.

Mr. GROSVENOR, of New York, stated that he should vote against rejection, because it was an unusual course; without deciding at present how he should finally vote on the bill.

Mr. FISK, of New York, made nearly the same avowal; adding that he thought a rejection of the bill would not be respectful to the other branch of the Legislature.

Mr. INGERSOLL, of Pennsylvania, said he was placed in such a situation now that he must vote against the bill; for doing which he would assign but one reason—that whatever were the merits of the controversy in relation to these claims, this bill was not calculated to settle it.

The question was about to be taken by yeas and nays; and

Mr. OAKLEY, of New York, rose, and was proceeding to explain at length the reason why he should vote against the rejection; when, on motion of Mr. WRIGHT, and with consent of Mr. O. to the motion, the House adjourned.

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WEDNESDAY, March 9.

The engrossed bill for the relief of Joshua Sands; the engrossed bill for the adjustment of the land titles in the State of Louisiana and the Missouri Territory; and the engrossed bill making appropriations for the support of Government during the year 1814, were severally read a third time and passed.

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The House resumed the consideration of the unfinished business, being a motion to reject the bill for indemnifying certain claimants to land in the Mississippi Territory.

Mr. OAKLEY rose and observed that he had yesterday remarked to the House that it was with reluctance that he should enter into an examination of the subject at the present stage of the discussion, and he was still of the same opinion. He did not flatter himself that he could make an impression on the mind of any gentleman in the House; and feeling satisfied that a majority of the House would not be disposed to reject the bill at once, which had the sanction of a very large majority of the other branch of the Legislature, and feeling no disposition to interfere with the passage of other bills, particularly the appropriation bill which was on the table, he felt a disposition on his part to let the question be taken without delay. He would merely remark in reply to those who objected to the bill, on the ground that it did not settle the controversy, that that was no reason for its rejection, because the bill might be amended, either in a Committee of the Whole, or by a reference to a select committee. He hoped that gentlemen who were in favor of the principle, but who objected to the details of the bill, would let it go to a committee, where amendments might be made. In relation to one important fact relied on by the gentlemen from Georgia and South Carolina, (Messrs. TROUP and FARROW,) with respect to the claimants having notice of the fraud, he would say a few words. It was said that General WASHINGTON's Message to Congress, or as it has been called, his proclamation, gave them notice; by a recurrence to the Message, it will be seen that it is inapplicable. In the first place it does not appear that it was made public, but even had it been, it was known that the United States did not admit the right of the land to be in the State of Georgia; it was known that a controversy existed on the subject. What says the Message itself? "That the lands sold were within the territorial limits claimed by the State of Georgia." General WASHINGTON having received those acts of the Legislature of Georgia, by which the lands in controversy were sold to individuals, very properly communicated them to Congress. He would ask if any human being who was acquainted with these circumstances could have believed at the time that General WASHINGTON meant to give notice of the fraud practised in the sale. But the gentleman from Georgia, on the subject of notice, observed, that although this was conclusive, yet there was ano-

ther circumstance still more conclusive, and that was the deeds themselves, which stipulated that the grantors should not, if the State of Georgia had no title, be obliged to refund the purchase money. If the gentleman would recur to the historical facts, he would recollect that the Spanish Government at that time was in possession of a large part of the land, and that the United States had a claim to it; the purchasers were willing to purchase the title of the State of Georgia, and to run the risk of other claimants. It was purchased by the original grantors on speculation, and sold in the same manner; of course they would not warrant the title; if they warranted the title there could be no inducement for them to sell it at less than the real value. The clause stating that in the event of the State of Georgia having no title, the sellers would not refund, was only inserted by way of greater caution; it was in order to avoid any dispute. He had intimated his determination, at this time, to let the question be taken, but he flattered himself that if the House would hereafter give him an opportunity to discuss the merits of the bill he would show that the claimants had a legal right to the lands; and, admitting that they had not, that there were many considerations of the most imperious nature which would justify a compromise with them.

Mr. WRIGHT, of Maryland, made a few observations on the great importance of this subject, and the imposing authorities by which the recommendation of a compromise is surrounded. Under such circumstances, and the pledge which he contended had been given by the Government to compromise the claim as now proposed, he hoped the bill would not be rejected, &c.

Mr. TROUP, of Georgia, replied to the latter argument, and denied that any pledge in this respect had been given by the Government.

Mr. PITKIN, of Connecticut, rose to remark only upon one argument which had been used in the discussion upon this question—that the present claimants had notice before purchase of the fraud. He said the subject had come before the judicial tribunals in Connecticut, where many of the purchasers resided, and it had been incontrovertibly proved that the first purchasers under the act were totally ignorant of the fraud. The purchase, he said, was divided into shares, called scrip, like bank stock, and passed by delivery, entitling the holder to such quantities of land as were therein named. He well knew some of the original grantees who were there selling the scrip or stock, and it was represented that no fraud had taken place.

Mr. MURFREE, of North Carolina, observed that this subject was acknowledged to be of great importance, affecting the claims of a large body of settlers on the public lands, and he therefore trusted it would not be hastily decided. He was not certain, he said, that he should vote for the compromise at all, because, in the first place, he did not know that the agents of the company were authorized to accept it; and secondly, because he believed the United States could make



a better bargain with them. But for the purpose of examining these points, and of further investigation, he trusted the bill would not be rejected, but suffered to take the usual course. As the bill at present stood, he said he should vote against its passage, but he was not willing to preclude discussion and amendment by premature rejection.

The question on the motion to reject the bill, was decided in the negative by the following vote :

**YEAS**—Messrs. Alexander, Alston, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Calhoun, Conard, Crawford, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Evans, Farrow, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hawes, Hungerford, Ingersoll, Ingham, Johnson of Virginia, Kennedy, Kerr, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Nelson, Newton, Ormsby, Piper, Pleasants, Rea of Pennsylvania, Roane, Smith of Pennsylvania, Stanford, Tannehill, Telfair, Troup, Udree, and Whitehill—56.

**NAYS**—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Caperton, Champion, Cilley, Clark, Comstock, Cooper, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Findley, Fisk of Vermont, Fisk of New York, Forney, Gaston, Geddes, Grosvenor, Hale, Harris, Hufty, Irving, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kent of Maryland, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Lowndes, Markell, McKee, Miller, Moffitt, Montgomery, Moseley, Murfree, Oakley, Parker, Pickering, Pickens, Pitkin, Post, Potter, John Reed, William Reed, Rich, Richardson, Ridgely, Robertson, Rugles, Seybert, Sherwood, Shipperd, Skinner, Smith of New Hampshire, Smith of New York, Smith of Virginia, Stockton, Stuart, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Williams, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, Wood, Wright, and Yancey—92.

The bill was then read a second time by its title.

Mr. OAKLEY, of New York, moved to refer the bill to a select committee.

This motion gave rise to a desultory conversation between Messrs. INGERSOLL of Pennsylvania, MACON of North Carolina, LATTIMORE of Mississippi, STANFORD of North Carolina, MCKEE of Kentucky, TROUP of Georgia, and YANCEY of North Carolina, as to the propriety of referring it to a Committee of the Whole, the Committee of Claims, and the Committee of Public Lands, and motions for these several objects were successively rejected.

The motion for a reference to a select committee prevailed by a large majority.

Mr. GRUNDY, of Tennessee, then rose to move the adoption of the following instruction to the select committee.

*Resolved*, That the committee appointed on the above bill be instructed to report the evidence of the authority vested in the agent now attending to compromise the claims set up by the respective claimants.

Mr. G. said that as a majority of this House appeared to be of opinion with the Senate, that a compromise could and ought to be effected, it was a great object that any law passed on this subject should be so passed as to be effectual. That it might be effectual, too great caution could not be exercised in examining the authority under which these agents acted. Mr. G. said he had voted to reject the bill, and should vote against any bill which might be passed on the subject; but if such an act were to pass, he was anxious that it should be in such manner as should attain the views of its advocates.

Mr. STANFORD, of North Carolina, trusted, as the subject was referred to a committee, that they would be instructed to make a detailed report on the merits of this, perhaps, the most base and abominable claim the world ever knew, whose origin was so corrupt and revolting to the mind of every honest man. He, therefore, moved to amend the resolution so as to require the committee to make a "detailed report."

This motion was opposed by Mr. OAKLEY as unnecessary on a subject so fully understood, and so frequently reported on in both branches of the Legislature.

Some incidental remarks were made by Mr. NELSON, of Virginia, in favor of printing all the documents relating to this claim, of which, although heretofore printed, he had been unable to find a copy in the common Library of the House, and he believed it would be difficult to find a complete copy, nor perhaps the whole of the originals, in the possession of the Clerk of the House.

Mr. JACKSON, of Virginia, remarked that these documents had been twice or thrice printed for the use of the House, and he had no doubt there were a sufficient number of copies within reach of the members. To reprint them now would require a longer time than was allowed for the duration of the present session.

Mr. STANFORD confirmed the statement of the difficulty in obtaining a complete copy of these documents, and adverted to a copy once belonging to the House, out of which some interested Yazoo claimant, he supposed, (for no other person would think of doing it) had with a knife cut all those leaves of the book which contained the important evidence of the fraud of the transaction.

The motion of Mr. STANFORD to amend the motion of Mr. GRUNDY was negatived. For the motion 53, against it 70.

Mr. INGERSOLL, of Pennsylvania, rose to move to add to the proposed resolution the following amendment:

"And that the committee be further instructed to ascertain and report to the House the amount of money actually paid by *bona fide* third purchasers for grants or titles they may hold under the original grant."

Mr. I. said his object was to ascertain the amount of losses for which these third purchasers claimed indemnity. He took it for granted, that Congress would not return more than the principal of money actually paid by them for these claims, and

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the interest where it was equitably due. He was desirous that this business, which began in an enormous scene of speculation, should not also end in a like manner.

Mr. OAKLEY questioned the practicability of the object, to which he had no other objection, except the labor with which he thought it would unnecessarily burden the committee.

Mr. INGERSOLL modified his motion by inserting therein the words *if practicable*, and thus modified; his motion was agreed to.

Mr. STANFORD objected to the particularity of the motion as it now stood—referring only to one species of claim. Now, Mr. S. said, that was not the only Yazoo claim. A previous act had been passed by the Legislature of Georgia, selling a part of the very land embraced in this claim. That was also a Yazoo purchase, and ought to be embraced in the inquiry. Mr. S. did not, however, make any motion on that head.

Mr. HALL, of Georgia, said that it would be recollected that the Legislature of Georgia had passed an act subsequent to the grant of the original grantees authorizing the withdrawal by them of the money which they had paid into the treasury of Georgia, under which \$310,000 of the money had been actually withdrawn. With a reference to this fact, he moved to amend the resolution, by adding thereto the following words:

“Also, from which of the original companies the present claimants derive title, and the amount of money withdrawn by any of the original grantees, or their agent or agents, from the treasury of Georgia.”

This motion was further modified, on the suggestion of Mr. STANFORD, by adding the words, *or persons claiming under them*, after the word *grantees*.

Mr. WRIGHT remarked, that gentlemen appeared to him to be carving out for the committee more work than they could possibly go through during this session. He could not but think the intention was to delay the business, so as to defeat indirectly an object which the House had directly determined should be acted on during the present session. He concluded by moving that the resolution and amendments be laid on the table.

This motion was negatived.

Mr. OAKLEY objected to Mr. HALL's motion, because the facts required to be ascertained could have no influence in the decision on the question of a compromise of the claims now before the House, because they acquired all the title they possessed between the passage of the first act by the Legislature of Georgia in January, 1795, and the passing of the rescinding act in February, 1796. Under the latter act it was that the grantees had gone in and withdrawn the purchase-money from the Treasury of Georgia, after they had transferred their claims to other hands. They had thus committed a second fraud, which, however base and unjustifiable, did not affect the titles of those who purchased from them in the intermediate time. The bill contained a provision that the United States might sue for and recover from these persons the money thus withdrawn; but the facts required—which it might be diffi-

cult to ascertain—had no bearing on the question before the House, and he was therefore opposed to the proposed amendment.

After some further conversation between Mr. ALSTON of North Carolina, and Mr. WRIGHT and Mr. BARNETT of Georgia—the latter of whom expressed his opinion that an inquiry into this subject would unfold some curious circumstances not generally known, respecting the withdrawal of this money from the treasury of Georgia—Mr. HALL's amendment was agreed to; the first clause of it without opposition, and the latter clause by a vote, by yeas and nays, of 71 to 69, as follows:

YEAS—Messrs. Alexander, Alston, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Forney, Forsyth, Franklin, Gaston, Gholson, Goodwyn, Gourdin, Griffin, Hall, Harris, Hawes, Hungerford, Ingersoll, Ingham, Johnson of Virginia, Kennedy, Kerr, Kershaw, King of N. Carolina, Lowndes, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Ringgold, Roane, Sage, Seybert, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Whitehill, Wilson of Pennsylvania, and Yan-

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Clark, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Fisk of New York, Geddes, Grosvenor, Hale, Hufty, Irving, Jackson of Rhode Island, Jackson of Virginia, Kent of N. York, Kent of Maryland, Kilbourn, King of Massachusetts, Law, Lewis, Lovett, Markell, McKee, Miller, Moffit, Moseley, Oakley, Parker, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Rich, Richardson, Ridgely, Ruggles, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, White, Wilcox, Williams, Wilson of Massachusetts, Winter, and Wright—69.

The question was then stated on the adoption of the whole resolution, as amended, in the following words:

*Resolved*, That the committee to which was referred the bill from the Senate, entitled “An act for the indemnification of certain claimants to lands in the Mississippi Territory,” be instructed to report the evidence of the authority vested in the agents now attending to compromise the claims set up by the respective claimants; and that the committee be further instructed to ascertain, if practicable, and report to the House, the amount of money actually paid by *bona fide* third purchasers for grants or titles they may hold under the original grant; also, from which of the original companies the present claimants derive title, and the amount of money withdrawn by any of the original grantees, or persons claiming under them, or their agent or agents, from the treasury of Georgia:

And the same was agreed to. For agreeing to it 73, against it 65, as follows:

YEAS—Messrs. Alexander, Alston, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Comstock,

H. of R.

Copper Coin—National Bank.

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Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Eppes, Evans, Farrow, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hawes, Hungerford, Ingersoll, Ingham, Johnson of Virginia, Kennedy, Kerr, Kershaw, King of North Carolina, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rich, Ringgold, Roane, Sage, Seybert, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Whitehill, Wilson of Pennsylvania, and Yancey—73.

**NAYS**—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Champion, Gilley, Clark, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Dewey, Ely, Findley, Fisk of New York, Gaston, Geddes, Grosvenor, Hale, Hufty, Irving, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kilbourn, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Oakley, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Robertson, Ruggles, Sherwood, Shipherd, Smith of New Hampshire, Smith of New York, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, White, Wilcox, Williams, Wilson of Massachusetts, Winter, and Wright—66.

THURSDAY, March 10.

The House resumed the consideration of the report of the Committee of Elections on the contested election of Thomas K. Harris, a member from Tennessee; and after a speech of some length from Mr. KENNEDY, of North Carolina, on some Constitutional points involved in it, the question was taken on the report, and Mr. HARRIS was confirmed in his seat by a large majority.

The bill for the relief of Mary Cheever passed through a Committee of the Whole, and, after some debate, was ordered to be engrossed for a third reading.

The bill authorizing the payment for private property destroyed by the enemy whilst in the public service, passed through a Committee of the Whole, and, after much discussion and several material amendments, was, on motion of Mr. FISK, of New York, ordered to lie on the table.

#### COPPER CURRENCY.

Mr. SEYBERT, of Pennsylvania, said he was about to offer a resolution for the consideration of the House, the propriety of which had been suggested by several gentlemen. Letters have been received, in which it is stated, that many persons are now engaged in melting the copper coins of the United States. This was occasioned by the present enhanced price of copper. Copper sheets were now selling at from sixty to seventy cents per pound. Those who melted the cents coined at the Mint of the United States, would gain from twenty to thirty per cent. These proceedings, he had been told, had already occasioned much inconvenience in some situations in the United States, and it was apprehended it would injure those who were least able to suffer. To

some the amount might seem inconsiderable and unworthy of legislative interposition. But, by the report of the Director of the Mint, it appears that the copper coined in the year

1810	amounted to	-	-	\$15,660
1811	"	"	-	2,495
1812	"	"	-	10,755
1813	"	"	-	4,180

Making a total for 4 years of \$33,090

Or an average of \$8,272 per annum, which, for the last twenty years, would be \$165,440. A much greater amount of these coins must now be in circulation; but the inducement to those who had already commenced to melt them, must be sufficient to continue their operations, and thus injuriously to diminish the circulating medium. His resolution was in the following words:

*"Resolved, That a committee be appointed to inquire into the expediency of altering the copper coins of the United States."*

The motion was agreed to.

#### NATIONAL BANK.

Mr. FISK, of New York, rose to make a motion which he said he had in contemplation ever since he examined the provisions of the bill reported by the Committee of Ways and Means for the establishment of a National Bank. Whatever might be his opinion as to the expediency of a bank for national purposes, he did not know that this was the proper moment for erecting such an institution, because, when Congress had just authorized the sale of stock to the amount of twenty-five millions, it would certainly be inexpedient to create a demand for so large an amount of other stock. But, if it was expedient, or whenever it shall be, every one who had read the bill must perceive that a bill containing such provisions would not, could not pass. He therefore moved that the Committee of the Whole, to whom is referred the bill to incorporate the stockholders of the National Bank, be discharged from the consideration thereof, and that it be referred to a select committee, with instructions to report a bill to establish a National Bank, with provisions for branches.

Mr. SEYBERT, of Pennsylvania, said he was opposed to this motion. He thought it would be highly improper, if it was referred to a committee at all, to refer this subject to a select committee, when it properly belonged to the standing committee, to which was referred all subjects relating to the Ways and Means, and to the credit of the Government. Mr. S. related the course this subject had taken during this session. In the first instance, it had been introduced into the House by a petition from the citizens of New York, which was referred to the Committee of Ways and Means. The committee had reported that in their opinion it was not Constitutional to establish branches in the States. It was now proposed again to refer this question to a committee—for what? To inquire into the expediency of establishing a Bank with branches, against which so pointed a report had already been made.

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What could the gentleman promise himself from this course? Nothing but defeat. The question was one of considerable magnitude, which there was during this session no time to investigate. Mr. S. said he had been and should be opposed to the bill; and, on a former occasion, several of the States had declared their opposition to such a proposition. To keep the question before the House, would do an injury to the nation, in regard to its public stock. There were men here who were highly interested in the fate of this question, and who, during its agitation, would doubtless dissuade their friends from embarking in the loan. He hoped this motion would not prevail, but that the bill now before the House would be taken up at a proper time and heard on its merits.

Mr. EPPES, of Virginia, stated the course this question had taken in the Committee of Ways and Means. When the question was referred to them they had decided against the constitutionality of the measure as then proposed; and, as so much argument had heretofore taken place on the subject, they thought it would be better now to place the naked question before the House, to enable them to decide in the first instance whether the Constitution did vest in Congress the power to establish a National Bank. This report of the Committee of Ways and Means was referred to a Committee of the Whole; but, by discharging that Committee from the further consideration of the report, and referring it back to the Committee of Ways and Means with particular instructions, the House had waived the Constitutional question, and directed an inquiry into the expediency of establishing a Bank within the District of Columbia. A majority of the committee believed it would be expedient, though he himself did not think so, and did not agree to the report. If the gentleman was disposed to try the question of establishing branches to the Bank, it would be easier to do so by ingrafting a proposition to that effect on the present bill. It would be better, if recommitted, however, that the bill should be referred to a select committee, and not to the Committee of Ways and Means, who had already expressed their opinion on the subject.

Mr. FISK said he did not know that the question could be acted on at the present session, but that was one of the points he wished to be inquired into. The question was of so much importance that he wished it to be examined in all its bearings; and, if it could not be acted on at the present session, that the public opinion on it might be concentrated before the next. The agitation of this question, he presumed, would not create any difficulty in procuring the loan, when it was recollected that every Legislature in the Union almost was principally engaged during its sessions in establishing new banks. He thought the establishment of a great bank would rather have a tendency to check the extravagant issue of paper, and, if he might be allowed the expression, to bring the community to its senses. It had been said that though the incorporation of a National Bank was unconstitutional, yet it might be established in this District, where Congress

possesses exclusive jurisdiction. He said that he should be alarmed by such a construction, if it were to prevail, that Congress might within this District do the most unconstitutional acts. Such a bank was certainly not necessary for the use of people within this District. To establish such a bank with this view would be as preposterous as it would be to build fifty sail-of-the-line, under a pretence of protecting the city by sailing along the canal which runs through it. There was in the District as much natural capacity to employ the one as the other. In regard to the principle of exclusive legislation in the District, Congress had decided it not to exist in the extent now contended for, when they acquiesced in the views of the President in putting his veto to the bill for incorporating a church in the town of Alexandria, because of the unconstitutional connexion of religion with the powers of the Government. A very cursory view of the bill now before the House would show that it was not intended for the use of the good people within the District, because so few of the directors were located within it. Mr. F. adverted to other objectionable features of the bill, by way of proving that, if a National Bank was necessary, this bill was not calculated to answer the object.

Mr. TAYLOR, of New York, made a few observations on the propriety of acting on this subject speedily. Though he had reported this bill, it was not a favorite project. He was in favor of reporting a bill with very different provisions, but a majority had overruled him, and decided that it was not Constitutional to establish a Bank with branches.

Mr. ALSTON, of North Carolina, observed that gentlemen might obtain their object without recommitting the bill, by moving a resolution, and obtaining a vote thereon, that it was or was not expedient to establish a Bank with branches.

The question was taken on Mr. FISK's motion, and decided in the negative—ayes 36.

FRIDAY, March 11.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill for the relief of Seth Russell and sons; which was read twice and committed to a Committee of the whole House to-day.

Mr. EPPES, from the Committee of Ways and Means, reported a bill authorizing the Secretary of State, during the continuance of the present war, to make an additional allowance to the owners and masters of vessels for bringing back to the United States destitute and distressed American seamen; which was read twice and committed to a Committee of the Whole.

Mr. EPPES also reported a bill for the relief of Augustus McKinnery and Laysel Bancroft; which was read twice and committed to a Committee of the Whole.

Mr. EPPES reported a bill for the relief of Arthur Tappan, John Frothingham, and Etham Eaton; which was read twice and committed to a Committee of the Whole.

Mr. EPES also made a report on the resolution instructing the committee to inquire into the expediency of increasing the compensation allowed by law to the Commissioner of Loans for the State of Maryland; which was read, and ordered to lie on the table.

Mr. TROUP, on his own motion, was excused from serving on the committee to whom was referred the bill from the Senate "providing for the indemnification of certain claimants of public lands in the Mississippi Territory," and Mr. JACKSON, of Virginia, was appointed on the said committee in his place.

The engrossed bill for the relief of Mary Cheever (allowing her a pension of \$100 a year as a gratuity from Congress in consideration of the distinguished bravery of her two sons, John and Joseph Cheever, slain on board the frigate *Constitution* in her engagement with the *Java*) was read a third time, and passed.

The bill declaring the assent of Congress to an act of the Legislature of the State of Tennessee, (which act apportions the direct tax in a different manner from that described in the act laying the tax) passed through Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of Joseph W. Page passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of the owners of the cargo of the Spanish brig *Patriota* passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of Seth Russell and sons passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

On motion of Mr. WARD, of Massachusetts,  
*Resolved*, That the Committee on the Judiciary be and they are hereby instructed to inquire into the justice and expediency of increasing the salary of the District Judge for the District of Massachusetts, and that they have leave to report by bill or otherwise.

The bill confirming certain claims to lands in the Illinois Territory, and providing for their location, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of Henry Malcom passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of George Walkington passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of Daniel Macauley and Samuel Ralston passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The House spent some time in Committee of the Whole, on the bill to incorporate an Insurance Company in Georgetown, in the District of Columbia; the Committee reported progress, and obtained leave to sit again.

The resolution reported by the Committee of Public Lands in favor of Dennis Clarke, passed

through a Committee of the Whole, and was agreed to by the House, and referred back to the committee to report a bill accordingly.

The bill to alter the time for holding the District Courts of the United States for the Virginia district, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of Stephen Girard passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

#### SATURDAY, March 12.

Mr. MOORE presented the petition of the President and Managers of the Columbia Turnpike Road, in the State of Maryland, praying permission to open and turnpike a road from Georgetown, in the District of Columbia, to the line of the said District, so as to intersect the Columbia Turnpike Road.—Referred to the Committee for the District of Columbia.

Mr. MURFREE, from the committee to whom was referred the petitions from sundry inhabitants of the State of North Carolina, reported a bill authorizing the President to cause certain parts of the coast of the United States to be surveyed; which was read twice and committed to a Committee of the Whole on Wednesday next.

On motion of Mr. McKIM, the Committee of Commerce and Manufactures were directed to bring in a bill to revive, and continue in force, an act, entitled "An act to revive, and continue in force, 'An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia,'" passed on the 20th of April, 1808.

An engrossed bill declaring the assent of Congress to an act of the State of Tennessee, therein mentioned, was read the third time, and passed.

An engrossed bill providing for certain claims to land in the Illinois Territory, and providing for their location, was read the third time, and passed.

An engrossed bill for the relief of Henry Malcolm was read the third time, and passed.

An engrossed bill for the relief of George Walkington was read the third time, and passed.

An engrossed bill for the relief of Daniel Macauley and Samuel Ralston was read the third time, and passed.

An engrossed bill to alter the time for holding the district courts of the United States, for the Virginia district, was read the third time, and passed.

An engrossed bill for the relief of Joseph W. Page was read the third time, and passed.

An engrossed bill for the relief of the owners of the cargo of the brig *Patriota* was read the third time, and passed.

An engrossed bill for the relief of Seth Russell and sons was read the third time, and passed.

An engrossed bill for the relief of Stephen Girard was read the third time, and passed.

The House went into Committee of the Whole, on the bill supplementary to the act for the relief of the officers and soldiers who served in the late

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campaign on the Wabash. The Committee rose and reported the bill with an amendment, which was concurred in by the House, and the bill as amended ordered to be engrossed for a third reading.

The bill for the relief of Wm. H. Savage passed through a Committee of the Whole, was reported without amendment, and ordered to be engrossed for a third reading.

On motion of Mr. EPPES, of Virginia, the Committee of the Whole was discharged from the consideration of the bill relative to the organization of the courts of the Indiana Territory, and the same was recommitted to the Judiciary Committee.

The House went into Committee of the Whole, on the bill and the amendments reported by the select committee thereto, for the better organizing, paying, and supplying, of the Army of the United States.

Mr. TROUP, of Georgia, explained in a particular manner the objects of the bill; the passage of which he urged, on the ground generally that it would place a certain part of the Military Establishment upon a better footing, would economise the public resources, and supply some material defects which at present existed in the Military Establishment.

The bill received various unimportant amendments, which were reported to the House and concurred in, and the bill and amendments ordered to be engrossed for a third reading.

The House went into Committee of the Whole, on the report of the Judiciary Committee on the petition of Robert C. Cochran, Marshal of the district of South Carolina, which report was unfavorable to the petitioner.

After some explanations from Mr. INGERSOLL, of Pennsylvania, Chairman of the Judiciary Committee, and a statement of facts by Mr. CHEVES of South Carolina, to show that the report of the Committee ought not to be agreed to—a desultory proceeding took place on various propositions made with a view to reverse the report of the Committee, and extend relief to the petitioner. Before it came to any decision on the report, the Committee rose, reported progress, and had leave to sit again.

MONDAY, March 14.

Mr. WOOD presented a petition of sundry inhabitants of Thomastown, in the State of Massachusetts, praying permission to export their lime coastwise to other towns in the said State.—Referred to the Committee of Foreign Relations.

Mr. NEWTON presented a petition of John Thompson, praying payment of the balance of his account for laying brick on the fortifications at Norfolk, in Virginia.

*Ordered.* That the said petition be referred to the Committee of Claims.

Mr. WOOD, from the select committee appointed on the 24th ultimo, reported a bill granting pensions to the officers and seamen serving on board the revenue cutters in certain cases; which

was read twice, and committed to a Committee of the Whole.

An engrossed bill supplementary to an act, entitled "An act for the relief of the officers and soldiers who served in the late campaign on the Wabash," was read the third time and passed.

An engrossed bill for the relief of William Henry Savage was read the third time and passed.

The bill from the Senate "for the better organizing, paying, and supplying, the Army of the United States," was read the third time and passed as amended.

A message from the Senate informed the House that the Senate have passed the bill "making appropriations for the support of the Military Establishment of the United States for the year 1814," with amendments, in which they ask the concurrence of this House.

#### THE EMBARGO.

Mr. GASTON, of North Carolina, rose to submit to the consideration of the House a proposition which he deemed of vital importance, and to which he had been desirous for several days to call the attention of the House, but had not been able to obtain an opportunity. It was a proposition somewhat similar to that offered the other day by a gentleman from Maryland (Mr. WRIGHT) from which, however, it differed in two circumstances. It did not embrace a mere palliative for the evil, but a radical cure: it did not propose an inquiry by any committee into the expediency of a certain course, but it required a decision thereon by the House. In other words, it was a proposition for a total and complete abandonment of the restrictive system, an abandonment at once and forever. In conformity to the practice which had prevailed under the rule of the former Speaker, and which, as it had not been reversed, he should consider as binding, Mr. G. said he should reluctantly abstain from arguing the motion he was about to propose, and confine himself to a brief statement of the reasons on which it was founded. It might be supposed at first a little strange that he should entertain a hope that a proposition of this kind should receive the sanction of the House, when it had so short a time ago made a decision in favor of the embargo, and that decision had been supported by a co-ordinate branch of the Legislature. But there were a few considerations applicable to the present moment, which induced the hope that the House might depart from the system. It would be recollected, Mr. G. said, that the Government was now about commencing, perhaps had already commenced, the collection of the war taxes imposed by Congress at their last session. How it might be in other parts of the country, he could not say; but in the part whence he came, he could say with some confidence, that unless there should be a departure from a system which deprived the husbandman of a market for the produce of his labors, these taxes would bear most oppressively on the people. It was of importance, too, that a decision should be pronounced on this subject without delay, from another consideration.



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Speculations are already afloat, rumors circulated, and hopes indulged, that the embargo would be removed. If such a thing was designed, it was necessary that the design should be effectuated without delay, that all persons interested might be permitted to derive fair profits from the trade which would be thrown open on the removal of the embargo, and that it might not fall altogether into the hands of speculators. It was important that suspense should be done away, and that those sensations which arise from a rapid succession of hopes and fears, should be lulled. There was another consideration which had weight on his mind. Congress had authorized by law an immense expenditure. To enable the Treasury to meet this expenditure, a large loan had become necessary. Such was the pressure on our moneyed institutions, from the present state of commerce, as induced him to suppose there would be a most serious difficulty in obtaining that loan. If the consequence would be felt only by those through whose agency the present state of things had been produced, and/or required of him to say, that he should behold it with composure, if not with complacency. But he looked to its effects on the character of the nation, and on its public credit; and, as far as these considerations went, he felt as lively an interest in the success of the loan as any gentleman in the House. One more consideration he would urge. He was one of those who thought this policy always erroneous, embarrassing to the finances, oppressive to the community, and inefficient as regards the enemy. But if he had been in error on this subject; if the contrary opinion was correct, he submitted to gentlemen whether the period had not passed by when an important advantage could be expected to be derived from the embargo? Could we, he asked, expect to produce the difficulty in obtaining provisions for the armies of Spain and Portugal, when their soil was no longer polluted by a hostile foot? That we could occasion difficulty to Great Britain in obtaining supplies for her navy, when all the granaries in the world were open to her? Or that we could affect her manufactures by prohibiting their importation, when we know, that with all their exertions, her artisans can scarcely produce a sufficient supply to satisfy the present demand for her fabrics from abroad? With these considerations, expressed in language somewhat like the above, Mr. G. submitted the following resolutions:

*Resolved,* That it is expedient to repeal the act laying an embargo on all ships and vessels in the ports and harbors of the United States.

*Resolved,* That it is expedient to repeal so much as may be in force of the several provisions of an act entitled "An act to interdict commercial intercourse between the United States, and Great Britain, and France, and their dependencies, and for other purposes."

*Resolved,* That a committee be appointed to bring in a bill or bills pursuant to the foregoing resolutions.

The question was stated "Will the House now proceed to consider these resolutions?" And Mr. GRUNDY, of Tennessee, having required the yeas

and nays thereon, the question was decided in the negative—for consideration 58, against it 86, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Ely, Gaston, Geddes, Grosvenor, Hale, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Miller, Moffit, Montgomery, Moseley, Oakley, Pitkin, Post, John Reed, William Reed, Richardson, Ridgely, Ruggles, Sherwood, Shipperd, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Webster, White, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS—Messrs. Alexander, Alston, Anderson, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Caldwell, Calhoun, Chappell, Clark, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdine, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Ingersoll, Ingham, Irving, Jackson of Virginia, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kerr, Kershaw, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLane, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Sevier, Seybert, Sharp, Skinner, Smith of Virginia, Strong, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Williams, Wright, and Yancey.

So the House refused now to consider the said resolutions.

The bill to alter and establish certain postroads passed through a Committee of the Whole, and received various amendments, after considerable desultory and unimportant debate on the merits of particular roads, &c.

The bill was reported to the House, the amendments therein made were agreed to, with the exception of one; and other amendments being proposed, the House adjourned.

#### TUESDAY, March 15.

Mr. INGHAM, from the Committee on Pensions and Revolutionary Claims, reported a bill concerning invalid pensioners; which was read twice, and committed to a Committee of the Whole.

Mr. LOWNDES, of South Carolina, from the Committee on Naval Affairs, reported a bill concerning the pay of officers, seamen, and marines, in the Navy of the United States. [This bill authorizes the President to fix the pay to be allowed to the petty officers, midshipmen, and seamen, and that the President be authorized to make an addition not exceeding — per cent. to the pay of those engaged in particularly hard and disadvantageous service.]—Twice read and committed.

Mr. L. also made a report on the petition of Samuel Harrison and John T. Courtney, praying compensation for putting out the fire which the

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enemy had put to the Asp in Yeocomico river in Virginia, which report, recommending a reference of the petitions to the Secretary of the Navy, was read and concurred in.

The amendments of the Senate to the Military Appropriation Bill were passed through a Committee of the Whole, and agreed to by the House.

The House resumed the consideration of the bill for altering and establishing certain post roads, which, after further discussion, was ordered to be engrossed for a third reading.

A message from the Senate informed the House that the Senate have concurred in the amendments proposed by this House to the bill "in addition to the act, entitled 'An act allowing a bounty to the owners, officers, and crews, of private armed vessels of the United States,' with an amendment; in which they ask the concurrence of this House.

The House again resolved itself into a Committee of the whole House on the report of the Committee on the Judiciary on the petition of Robert E. Cochran; and, after some time spent therein, the Committee rose and reported their agreement to the resolution therein contained, as follows:

*Resolved*, That the prayer of the petitioner ought not to be granted.

The House proceeded to consider the report of the Committee of the whole House; when, a motion was made by Mr. LOWNDES, that the report of the Committee on the Judiciary, together with the resolution contained therein, be recommended to the same committee, with instructions to report a bill for the relief of the petitioner, upon a full and fair disclosure and surrender of his estate and effects. And the question being taken thereon, it was determined in the negative. The question was then taken to concur with the Committee of the whole House in their agreement in the resolution proposed by the Committee on the Judiciary, and passed in the affirmative.

#### NAVAL ESTABLISHMENT.

Mr. W. REED, of Massachusetts, called up a resolution which he had moved some weeks ago, and which had been temporarily ordered to lie on the table; and the House agreed now to consider said resolution in the following words:

*Resolved*, That a committee be appointed to inquire whether any, and, if any, what means of retrenchment and economy of reform in the general management, and of extension and efficiency in the Naval Establishment, may be practicable and expedient; and that they have power to send for persons and papers.

Mr. R. explained the grounds of his motion as he had before stated them: the multiplicity of duties attached to the Head of the Navy Department, and the want of accountability in the various branches.

Mr. LOWNDES, of South Carolina, acknowledged that benefit might result from the adoption of the motion, &c.

Mr. INGHAM, of Pennsylvania, moved to amend the motion so as to refer the inquiry to the Naval Committee: which motion, after objections by

Mr. LOWNDES, was negatived, and Mr. REED's motion was agreed to: and Messrs. W. REED, LOWNDES, RIDGELY, WEBSTER, WOOD, SEYBERT, and IRVING, were appointed the said committee.

#### CLAIM OF BEAUMARCHAIS.

Mr. LOWNDES, from the committee to whom was referred the petition of J. A. Chevallie, agent for Amelie Eugenie de Beaumarchais, made a report; which was read, and committed to a Committee of the Whole. The report is as follows:

That the circumstances under which shipments of goods and advances of money to the United States were made by Mr. de Beaumarchais, during our Revolution, were such as necessarily produced much difficulty in the settlement of his accounts. There was no contract by which the obligations and rights of the two parties were defined; and it appears, from many letters of Dr. Franklin and of Arthur Lee, that both those gentlemen considered Mr. de Beaumarchais as supplied with funds by the French Government, to encourage the resistance of America, and to give to this political transaction the appearance of a mercantile speculation. Mr. Lee represents Mr. de Beaumarchais when first introduced to him, as declaring that he was authorized by the French Government to offer 200,000 louis for the use of the revolted colonies. In a letter, signed by B. Franklin, Arthur Lee, and Silas Deane, they express the wish that Mr. D. Beaumarchais's accounts might be left to them for settlement, "as there was a mixture of public and private concerns, which Congress could not so well develop." Letters from Mr. Girard, a former Minister from France to the United States, written in support of the claim of Mr. de Beaumarchais, states, "that only military stores were advanced to him by the French Government for the United States, which he was to return to the royal arsenals;" and Mr. de Vergennes says that, "for the payment of the military stores the Government" of this country "should not be pressed." In these letters, indeed, as in those of Mr. Turreau since, all connexion on the part of the French Government with Mr. de Beaumarchais's speculations is denied, and the transaction represented as a mere commercial adventure. Yet it could not have been meant that the Government of France did not furnish a part of the cargoes; for this is proved by the statement of Dr. Franklin, of Mr. Girard, and of Mr. de Vergennes himself. It could not have been meant, that the Government of France had not some power over the debt, which the delivery of these stores produced; for Mr. de Vergennes himself promises that for this our Government should not be pressed. It could have been intended only to say that the French Government was to have no profit from the transaction; and this may readily be admitted.

The committee have adverted to this apparent "mixture of public and private concerns," in the subjects of Mr. de Beaumarchais's accounts, for the purpose of explaining that delay in their liquidation, which could not otherwise be reconciled to the habitual fidelity of this Government to all its engagements. The principles on which those accounts were finally settled at the Comptroller's office, in 1805, are fully explained and supported by the report of the Committee of Claims of the 10th of March, 1806, which the committee to which the same business is now referred, beg to be allowed to adopt as a part of this report. The balance which, under that settlement, appeared due to

the estate of Mr. de Beaumarchais was paid to the memorialist in 1806. This committee have not minutely examined the charges brought by Mr. de Beaumarchais against the United States, because they have been settled at the Treasury, on principles which the memorialist does not indeed represent himself as approving, but to which he seems disposed to acquiesce. The only question relating to the account, which it appears necessary to bring distinctly to the view of the House, refers to a million of livres, which, at the Treasury, have been considered as paid in 1776, by the French Government, to Mr. de Beaumarchais, for the service of the United States, and for which credit has been accordingly taken. This question is so fully explained, and, in the opinion of the committee so justly decided, in the letter of the former Secretary of the Treasury, (Mr. Gallatin,) included in the report before referred to, that they will add a very few observations to the perspicuous statement which it contains. If the opinion expressed in that letter be correct, the just claim of the heiress of Caron de Beaumarchais has been fully satisfied.

With respect to the claim of the United States to this credit of a million, (which is denied by the memorialist,) the committee submit to the House that it must be supposed either—

1. That this million was paid to Mr. de Beaumarchais, for the use of the United States, to which he was bound to account for its expenditure; or,

2. That this million was not paid to Mr. de Beaumarchais, for the use of the United States; or,

3. That, if it were paid for the use of the United States, it was expended on "objects of secret political service," connected with the interests of the United States, but different from the supplies which are charged in Mr. de Beaumarchais's accounts; that it was satisfactorily accounted for to the French Government; and that it was to that Government only that he was bound to account.

1. On the first supposition there can exist no claim, on the part of the estate of Mr. de Beaumarchais, against the United States, and it is therefore only necessary to examine the others. It may be supposed—

2. That this million was not paid to Mr. de Beaumarchais for the use of the United States. This supposition is contradicted by the evidence of facts, and by the declaration of the French Government in 1794, as is shown in the letter of Mr. Gallatin, before referred to. But, if it be admitted, the obligation of the United States to pay this million now will not be implied. It will be recollected that by the contract of February 25, 1783, three millions of livres advanced by France before the treaty of 1778, as well as six millions afterwards granted, were declared to be a gratuitous assistance. If there were not a million paid to Mr. de Beaumarchais for the use of the United States, the million advanced in 1777 by the farmers general, (which was entered in our foreign account under the title of "subsidies,") must be considered as having been a gratuitous aid, and should have been deducted from the amount which France claimed to be due by America. In a letter from the Comptroller of the Treasury to Mr. Bournonville, dated February 8, 1794, he refuses to admit to the credit of France the balance due to the farmers general, until it should be shown that the million received from them formed no part of the gratuitous aid specified in the contract of 1783. The French Government, by the receipt of Mr. de Beaumarchais, and by the opinion which it expressed,

satisfied the Comptroller that the deduction of the million was to be made from Mr. de Beaumarchais's account, and not from its own. If the French Government were mistaken in this opinion, it follows that we overpaid it in 1794, by an amount equal to that which by its mistake was withheld from Mr. de Beaumarchais. But, the evidence which should ascertain the real creditor could only have been obtained from France. The acknowledged debtors as we at that time were of the French Government, as well as of Mr. de Beaumarchais, we had no interest in making this deduction rather from the one debit than the other; and if France, in deciding a question in which her Government and one of her subjects were alone interested, and of the evidence of which her Government was the only depository, has erroneously decided, it is not against the Government of the United States that complaints can properly be directed. It may be supposed—

3. That, if the million in question were paid to Mr. de Beaumarchais, for the use of the United States, it was expended on objects of a political nature, connected, indeed, with the interests of the American Government, but different from the supplies which are charged in Mr. de Beaumarchais's accounts; that it was satisfactorily accounted for to the French Government; and that to it only was he bound to account. It appears to the committee, that these suppositions cannot be admitted. The French Government advanced money to Mr. de Beaumarchais, to be employed for our service. Mr. de Beaumarchais purchased articles most essential to our service, and sent them to this country; shall we presume that this advance has been invested in these articles, or been used in some other way for our benefit, of which no evidence appears? A receipt is indeed produced, showing that the French Minister was satisfied with the application of a million "to an object of secret political service;" but this by no means contradicts the opinion, that it may have been employed for the purchase of the articles which Mr. de Beaumarchais sent to America, and that therefore it ought to be deducted from his account.

But, besides other difficulties, are we to presume that Dr. Franklin, who negotiated this contract of 1783, would not have been informed that the gratuitous aid which he was called upon formally to acknowledge, was made so mysteriously, that neither he nor his Government was to know the objects to which it was applied, nor the services which it accomplished.

The objection, however, to a reversal of the judgment of the Comptroller of the Treasury, appears to the committee not to result alone from an examination of the case which he has decided. The Government of the United States, in constituting a department by which all claims upon it are to be impartially examined, and in consigning the direction of this department to men of judgment and integrity, has adopted the only method of securing justice to creditors which the institutions of any society can provide. Mr. de Beaumarchais was himself anxious that the question in which he was interested should be decided by arbitration. Mr. Chevallie (the attorney of his heiress) would wish that it should be referred to judicial decision. But neither arbitrators nor judges could be more impartial than the officers of the Government, who have no interest to induce a wrong decision, and whose reputation, in some degree, must depend on their making a right one. If the rules of a court of law be different, they cannot be supposed to be more liberal, or, in general, more satisfactory to a foreign claimant,

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than those adopted by the Treasury, in the settlement of their accounts. But, if the officers of the Treasury have erred in their decision, shall not Congress correct the error? The committee believe that in this case they have not erred; and the voluminous documents which the reference of this question has obliged them to examine were not necessary to convince them that want of time must, of itself, disqualify the Legislature for the task of rejudging the sentences of its officers of finance.

The committee submit the following resolution:

*Resolved*, That the memorialist have leave to withdraw his memorial.

OFFICE OF THE ATTORNEY GENERAL,  
Washington, February 28, 1812.

SIR: I have considered the subject of the letter which you did me the honor to address to me on the 9th of last month, in the case of the representatives of Monsieur de Beaumarchais, and am of opinion that the documents do not, in point of law, maintain the discount of a million of livres to which your letter alludes.

The demand of Monsieur de Beaumarchais appears to be admitted; upon what principle, whether of strict law, or of liberal equity, whether upon a reasonable probability, or upon regular proof, I do not know, and have not been called upon to inquire.

If the demand has been admitted without rigorous proof, it is for Congress to determine how far it may be proper to measure a discount, claimed by the Government, by a standard purely legal. But viewing the question referred to me, as I have been desired to view it, as a mere matter of law, I am compelled to say, that the title to the deduction insisted upon must be shown by the United States, and that the evidence would not be sufficient to establish it in a court of justice.

If the reasons of this opinion should be thought necessary, I shall take great pleasure in stating them to the committee.

I have the honor to be, with great consideration, yours, &c.

WM. PINKNEY.

HON. CHAIRMAN of Committee of Claims.

#### YAZOO CLAIMS.

Mr. OAKLEY, from the committee to whom was referred the bill from the Senate "providing for the indemnification of certain claimants of public lands in the Mississippi Territory," (a compromise of the Yazoo claims,) made a report; which was read, and, together with the bill, committed to a Committee of the whole House. The report is as follows:

The committee have had the subject of the said bill under their consideration, and are of opinion that it is expedient for the Government of the United States to enter into a compromise with the persons claiming lands in the Mississippi Territory, under or by virtue of the act of the Legislature of Georgia, of the 7th January, 1795. The reasons for this opinion do not rest on the strict legality of the title of these claimants to the lands in question—though the committee cannot forbear remarking that that title appears to have all the sanction which can be derived from a solemn decision of the highest judicial tribunal known to our laws—they are grounded on considerations con-

nected with the permanent interests of the United States, as they relate to the Mississippi Territory; with the quiet and speedy settlement of that Territory; with the more easy extinguishment of the Indian title to the lands contained in it; with the security against all future Indian wars in that quarter, which the settlement of the Territory must afford; with the extensive navigation connecting parts of the Western States with the ocean, which must be opened when the population of the Territory shall be adequate to such an object, and with the strength and safety which such a population must confer on the Louisiana frontier.

It may, in addition, be remarked that there are equitable considerations connected with the present claims, which, in the opinion of the committee, strongly recommend them to the favor of Congress. Although the original act of the State of Georgia might have been procured by fraudulent and corrupt means, it satisfactorily appears to the committee, as far as their inquiries have been extended, that the present claimants, or those under whom they hold, were *bona fide* purchasers of the immediate grantees of Georgia, without notice of any fraud or corruption in the original grant. The committee refer, on this head, to the papers annexed to this report, marked from "A." to "L." inclusive.

As to the terms of the compromise which it may be expedient to make, the committee have considered that those contained in the bill from the Senate are as effectual and practicable, and, at the same time, as eligible as ought to be required under the circumstances of the case. They have accordingly directed the chairman to report the said bill without amendment.

The committee have had under consideration the resolution adopted by the House on the 9th instant.

As to the "authority vested in the agents now attending to compromise the claims set up by the respective claimants," the committee have procured all the information within their reach. They have examined various documents and papers, some of them very voluminous, consisting of conveyances, powers of attorney, letters, &c. They have also received, from the respective agents, written representations of the extent of their powers and authority, and of their readiness to accede to the terms of compromise contained in the bill from the Senate. These representations are annexed to this report.

The committee did not consider it necessary to report to the House the various documents exhibited to them by the respective agents in support of these representations. Such a procedure was supposed not to come necessarily within the purview of the resolution of the House, and would have encumbered this report with a mass of papers. The committee will remark, generally, that the authority of the agents appears to be very extensive, and that, in the course of their inquiries on this head, they have discovered no reason to believe that any one of the claimants will refuse to accede to the proposed compromise.

As to the "amount of money actually paid by *bona fide* purchasers for grants or titles they may hold under the original grant," the annexed papers afford all the information which the committee have found it "practicable" to obtain. These papers show, to a great extent, the prices at which "*bona fide* third purchasers" contracted for the lands in question, and which were paid in negotiable and endorsed notes, and other securities. But the committee consider it impracticable to ascertain to any extent "the amount of money

actually paid" without devoting to the inquiry more time and attention than any committee could bestow on it, during any session of Congress, as it would lead to an examination of all the private transactions of the numerous individuals now interested in these claims, which might be connected with the purchases and sales of the lands in question, and with the notes and other securities given in consequence of these purchases and sales.

As to that part of the resolution which instructs the committee to inquire "from which of the original companies the present claimants derive title, and the amount of money withdrawn by any of the original grantees, or persons claiming under them, or their agent, or agents, from the treasury of Georgia?" the committee also refer to the annexed papers, and to a document accompanying the report of the commissioners appointed in pursuance of an act of Congress, entitled "An act for the amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory," which document is contained in a volume, from page 147 to page 153, inclusive, printed by order of Congress, on the 19th day of December, 1809.

The committee also take the liberty to refer to the volume abovementioned, as containing much useful information in relation to the acts and proceedings of the State of Georgia, and of the United States, connected with the subject under consideration. In the same volume will also be found the report of the commissioners abovementioned, and various documents accompanying the same, showing, among other things, the evidence of the fraud and corruption connected with the original grant of these lands by the State of Georgia.

All which is respectfully submitted to the House.

On the question for what day the consideration of this subject by a Committee of the Whole should be ordered, different days were named, and a desultory conversation, not connected with the question immediately before the House, continued until it was checked by the SPEAKER for its irregularity.

Mr. WRIGHT, of Maryland, took occasion to reply to a remark made by Mr. STANFORD the other day, that there were no complete copies of the documents relative to the Yazoo claim, to be found on the files of the House. On inquiry he had found that there was at least twenty complete copies of those documents.

Mr. NELSON, of Virginia, repeated the observation he had made upon the subject of the mutilation of the printed records on the subject, of which he had derived his information from others, and from the gentleman from North Carolina, to whom he appealed to confirm the statement.

Mr. STANFORD, of North Carolina, said he did state the other day, and he now affirmed and could prove the fact, that certain books which had been printed, containing the evidence of the Yazoo fraud, had been gutted of their contents; he had seen them, and the fact had been at a former session urged on the floor as a reason for reprinting them. He had also stated, merely as presumption, that they had been so mutilated by some interested person.

Mr. RIDGELY, of Delaware, in a low voice, made a statement of the facts which had come to

his knowledge on this subject. The reporter understood him to say, that on inquiry in the office of the Clerk, to satisfy his mind on the correctness of what had been stated on this subject, he had been informed by the Clerk, that there was, or had been about the office, one book of the first edition of those documents, out of which the leaves had been cut for the printer, by the clerks, to save themselves the trouble of copying the papers, when they were last reprinted by order of the House; and that the only book which had been mutilated to their knowledge was the one to which he had referred, &c.

Upon the question on the day for considering this report, motions for Monday and Saturday next were negatived; and it was made the order of the day for Thursday.

### WEDNESDAY, March 16.

Mr. RHEA, of Tennessee, presented a letter from Return J. Meigs, Agent of the United States at Highwassee, in the Mississippi Territory, suggesting the propriety of extending the laws of the United States over white persons residing within the Indian boundaries.—Referred to the Committee on the Judiciary.

Mr. McKEE, of Kentucky, reported a bill for the relief of Dennis Clarke; which was twice read, and ordered to be engrossed for a third reading.

Mr. RICHARDSON, of Massachusetts, from the select committee on the subject, reported a bill for the relief of John Whitney and Joseph H. Dorr; which was twice read and committed.

The engrossed bill to alter and establish certain post roads, was read a third time and passed.

The amendment of the Senate to the amendment of the House to the bill "in addition to the act allowing a bounty to the owners, officers, and crews of the private armed vessels of the United States," was read and concurred in by the House.

The House spent a short time in Committee of the Whole, on the bill for the relief of James Doyle; which bill was reported and then ordered to lie on the table.

### DISTRICT PENITENTIARY.

The House, on motion of Mr. INGERSOLL, of Pennsylvania, resolved itself into a Committee of the Whole on the bill to authorize the erection of a Penitentiary in the District of Columbia, and to provide the necessary funds therefor.

[This bill authorizes the President, under the direction of the Board of Commissioners, to cause to be erected the buildings and walls of a Penitentiary, on the square in the City of Washington called the Judiciary Square; and, to provide means competent to effect this purpose, appropriates certain public lots in the city, to be sold under the direction of the said commissioners, so much of the proceeds as is necessary to be applied to the object of the bill, and the remainder to be paid over into the Treasury of the United States.]

On this bill considerable desultory debate took

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place, the bill being opposed by Mr. WRIGHT and Mr. FISK, of New York, on the ground that it would be unjust to appropriate the public property to the purposes of this District, already sufficiently favored by benefits from the public Treasury, &c.; and was warmly supported by Mr. INGERSOLL, on the ground of the expediency of the measure, and the propriety of the mode in which it was proposed to be effected. The public lots proposed to be appropriated to this purpose were at present of no possible benefit to the public, from whom the property would not be transferred by an application of these lots to the purpose of erecting a Penitentiary, because the Penitentiary itself would be the property of the public, &c. Mr. FINDLEY defended the city from the remarks applied to it by Mr. WRIGHT.

The Committee rose for want of a quorum, and, at length, after refusing once to adjourn, and having come to no decision on the subject of the bill, there being a difficulty in keeping a quorum to attend to business, the House adjourned.

THURSDAY, March 17.

Mr. INGERSOLL, of Pennsylvania, from the Judiciary Committee, to whom was referred the bill to define more explicitly the duties of the judges of the Territory of Indiana, reported the same with an amendment applying the principle to the Territory of Illinois as well as to the Territory of Indiana; which, after some observations from Messrs. INGERSOLL, JENNINGS, of Indiana, and GHOLSON, of Virginia, was referred to a Committee of the Whole.

Mr. SEYBERT, of Pennsylvania from the select committee, to whom was referred the resolution on the subject of the copper coins, reported that it was inexpedient at this time to make any alteration in the copper coins of the United States. Mr. S. presented a letter from the Director of the Mint on the subject; which was read. The report was then agreed to.

The engrossed bill for the relief of Dennis Clarke was read a third time, and passed.

## COASTING TRADE.

Mr. WOOD, of Massachusetts, offered for consideration the following resolution:

*Resolved*, That the Committee of Foreign Relations be instructed to inquire into the expediency of allowing vessels, whose cargoes shall consist of firewood, bark, or lime, to proceed from a port or place in a State to one or more ports in the same, or an adjoining State, under such restrictions and regulations as the President of the United States may direct; and, also, of allowing vessels that have usually been employed in the fisheries to be again employed in that business; and that they have leave to report by bill, or otherwise.

And on the question that the House do now proceed to consider the said resolution, it was determined in the negative—yeas 63, nays 80, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Breckenridge,

Brigham, Caperton, Calhoun, Cilley, Cooper, Cox, Culpeper, Davis of Massachusetts, Ely, Forsyth, Gaston, Grosvenor, Grundy, Hale, Hufty, Hungerford, Irving, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Lewis, Lovett, Lowndes, Macon, Markell, McKee, Miller, Montgomery, Moseley, Murfree, Pitkin, John Reed, William Reed, Richardson, Ridgely, Ruggles, Sherwood, Skinner, Smith of New Hampshire, Smith of New York, Stanford, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS—Messrs. Alexander, Alston, Anderson, Avery, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Chappell, Comstock, Condit, Conard, Crawford, Creighton, Crouch, Cuthbert, Denoyelles, Duvall, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vt., Fisk of N. Y., Forney, Franklin, Gholson, Goodwyn, Griffin, Hall, Harris, Hawes, Ingham, Irwin, Johnson of Va., Kennedy, Kent of Md., Kerr, Ker-shaw, King of North Carolina, Lefferts, Lyle, McCoy, McKim, Moffitt, Moore, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Post, Potter, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roane, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Troup, Udree, Whitehill, Williams, Wilson of Pennsylvania, Wright, and Yancey.

## DUTIES ON SPIRITS.

On motion of Mr. YANCEY, of North Carolina, the House resolved itself into a Committee of the Whole, on the report of the Committee of Ways and Means against the expediency (into which they had been, on motion of Mr. Y., instructed to inquire) of amending that provision in the act laying duties on licenses to retailers, &c., so far as respects the sale of domestic spirits sold in less quantities than five gallons, at the place where the same shall have been distilled, and by the person to whom license shall have been granted for that purpose.

Mr. YANCEY moved to amend the report, so as to declare it to be expedient to make the proposed amendment to the license law. His object was to make it legal for distillers to sell in any quantity not less than one gallon.

After considerable debate in the Committee, and afterwards in the House, this motion was decided in the negative by yeas and nays, as follows:

YEAS—Messrs. Alexander, Alston, Avery, Barnett, Beall, Breckenridge, Burwell, Caldwell, Calhoun, Clark, Cooper, Creighton, Culpeper, Davis of Pennsylvania, Desha, Duvall, Earle, Farrow, Findley, Forney, Forsyth, Franklin, Gaston, Gholson, Goodwyn, Grundy, Hall, Harris, Hawes, Hungerford, Jackson of Virginia, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kilbourn, King of North Carolina, Lewis, Lyle, Macon, McCoy, McLean, Montgomery, Moore, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rhea of Tennessee, Roane, Sevier, Sharp, Smith of Virginia, Stanford, Udree, Wilson of Pennsylvania, and Yancey—60.

NAYS—Messrs. Anderson, Bard, Baylies of Massachusetts, Bayly of Virginia, Bigelow, Boyd, Bradbury, Bradley, Brigham, Brown, Butler, Chappell, Com-



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stock, Condict, Conard, Cox, Crawford, Crouch, Cuthbert, Davenport, Denoyelles, Ely, Eppes, Evans, Fisk of Vermont, Fisk of New York, Griffin, Grosvenor, Hale, Hasbrouck, Hufty, Ingersoll, Ingham, Irving, Jackson of Rhode Island, Kent of New York, Ker-shaw, King of Mass., Lefferts, Lovett, Lowndes, Markell, McKim, Miller, Moffit, Moseley, Oakley, Pickering, Pitkin, Post, Potter, John Reed, Wm. Reed, Rea of Pa., Rich, Richardson, Robertson, Ruggles, Sage, Seybert, Sheffey, Sherwood, Shipherd, Skinner, Smith of New York, Smith of Pennsylvania, Stockton, Strong, Stuart, Sturges, Taggart, Tallmadge, Tannehill, Taylor, Telfair, Thompson, Troup, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, Whitehill, Wilcox, Williams, Wilson of Massachusetts, Winter, Wood, and Wright—89.

#### ISAAC CLASON.

The House went into Committee of the Whole on the bill from the Senate for the relief of Isaac Clason, and the amendments thereto of the Committee of Commerce and Manufactures; which were agreed to by the Committee of the Whole.

Mr. NEWTON, of Virginia, moved to amend the bill so as to include the extension also of relief to Archibald McCall, of Philadelphia, whose petition had been referred to the Committee of Commerce and Manufactures.

This motion produced considerable discussion, in which Messrs. NEWTON, INGERSOLL, and SEYBERT, supported the motion, and Messrs. FISK, of New York, POST, and IRVING, opposed it; but not in any way involving the merits of A. McCall's case. The motion was negatived—ayes 34.

The Committee rose and reported the amendments to the bill.

Mr. MURFREE, of North Carolina, moved to recommit the bill to the Committee of Commerce and Manufactures, with a view of having comprehended in one bill all the cases of a similar character which deserve relief.

This motion also gave rise to a considerable debate, being supported by Messrs. MURFREE, SEYBERT, INGERSOLL, and McKIM, and opposed by Messrs. FISK, of Vermont, WRIGHT, FISK, of New York, and NEWTON. The motion was lost—ayes 35; and the House adjourned.

#### FRIDAY, March 18.

Mr. KENT, of Maryland, presented a petition of Joseph Johnson, packetmaster, of the City of Washington, praying permission to run his packet between the said city and Alexandria, in the District of Columbia, by giving a general bond in such amount as the Government may prescribe, not to evade the act laying an embargo.—Referred to the Committee on Foreign Relations.

The House resumed the consideration of the unfinished business, being a bill from the Senate "for the relief of Isaac Clason;" and the amendments yesterday made thereto in Committee of the Whole were agreed to.

Mr. MURFREE, of North Carolina, moved to recommit the bill to the Committee of Commerce and Manufactures; which motion was negatived.

Mr. WRIGHT, of Maryland, moved to postpone the further consideration of the bill indefinitely; which motion was also negatived; and the bill was then ordered to a third reading.

#### PAUL CUFFEE.

The House resolved itself into a Committee of the Whole on the bill from the Senate for authorizing the President of the United States to permit the departure of Paul Cuffee with a cargo to Sierra Leone; together with a report of the Committee of Commerce and Manufactures against the same.

This bill underwent a discussion of a very diffuse nature, and of no little length, in the course of which the object of the bill was supported by Messrs. WHEATON, GROSVENOR, PICKERING, TAGGART, BAYLIES, WEBSTER, FARROW, DUVAL, and SHIPHERD, and opposed by Messrs. NEWTON, WRIGHT, McKIM, KERR, INGHAM, FISK, of Vermont, and INGERSOLL.

The bill was supported on the ground of the excellence of the general character of Mr. Cuffee; the philanthropy of his views; the benefits to humanity and religion generally of which a success in these views might be productive; the benefits which would result to the United States, particularly from the establishment of an institution which would invite the emigration of free blacks, a part of our population which we could well spare, &c.

On the other hand, the bill was opposed on various grounds. While the excellence of the general character of Mr. Cuffee was fully credited and generally admitted, it was said that the bill would violate, in favor of a foreign mission, that policy which we had refused to infringe for the sake even of our coasters and fishermen; that Mr. Cuffee might depart in neutral vessels with his companions, but that it would be improper to permit him to carry out a cargo, which was not at all necessary to his views of propagating the Gospel; that his voyage would be contrary to the policy of existing laws, independent of the embargo policy, because Sierra Leone was a British settlement; that as this was a British settlement, in the possession of a nation claiming and asserted to be the bulwark of our religion, there was no occasion for cargoes departing from the United States to enable her to carry her views into effect, &c.

Intermingled in this debate was considerable controversy and something like asperity as to the character of the British nation for religion and humanity, in which Mr. PICKERING, of Massachusetts, on the one side, and Mr. KERR, of Virginia, and Mr. FISK, of Vermont, on the other, were the principal debaters, and also on the evil which might result from transporting liberated slaves from this country to a British settlement. The question, however, appeared to the reporter to turn on the expediency of permitting, under the existence of the restrictive system, a cargo to go out which must necessarily sail under British license; which it was argued would not be granted unless it were considered advantageous

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to the interest of the enemy that such trade should be carried on.

The debate having been extended to the usual hour of adjournment, the Committee reported the bill to the House with certain amendments, and on the question on the passage of the bill to a third reading, which was decided by yeas and nays, the vote was for the bill 65, against it 72, as follows:

**YEAS**—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bowen, Boyd, Bradbury, Brigham, Butler, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Duvall, Ely, Farrow, Geddes, Hale, Hufty, Jackson of Rhode Island, Kent of New York, Kent of Maryland, King of Massachusetts, Law, Lefferts, Lovett, Markell, McLean, Miller, Moffit, Montgomery, Moseley, Nelson, Oakley, Pickering, Pitkin, Pleasants, Post, John Reed, William Reed, Rich, Ruggles, Sheffey, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Stanford, Stockton, Strong, Sturges, Taggart, Thompson, Tallmadge, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Wood.

**NAYS**—Messrs. Alston, Anderson, Avery, Bard, Barnett, Brown, Burwell, Chappell, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Desha, Earle, Eppes, Evans, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Hall, Harris, Hasbrouck, Hawes, Hungerford, Ingersoll, Ingham, Irving, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kerr, Kershaw, Kilbourn, Lyle, McCoy, McKim, Moore, Murfree, Newton, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Ringgold, Roane, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Tannehill, Taylor, Telfair, Udree, Whitehill, Williams, Wilson of Pennsylvania, Winter, Wright, and Yancey.

So the bill was rejected.

SATURDAY, March 19.

Mr. SEYBERT presented a petition of Stephen Girard, of Philadelphia, merchant, stating that his ship *Montesquieu* and cargo, being captured on the passage from the East Indies by the enemy, he, by permission of the Government, effected her ransom, and brought her into the port of Philadelphia; and praying that a part of the duties paid on said cargo may be refunded to him, in consequence of the benefit which accrued to the Government by said ransom.—Referred to the Committee of Commerce and Manufactures.

The SPEAKER presented a petition of sundry inhabitants of South Carolina, praying for the aid of Government in opening an inland water communication from the Chesapeake Bay to St. Mary's river, in Georgia.—Referred.

Mr. MCKEE, of Kentucky, reported a bill for quieting and adjusting claims to land in the Mississippi Territory; which was twice read, and committed.

Mr. ROBERTSON, of Louisiana, reported a bill concerning certificates of confirmation of claims to land in the State of Louisiana; which was twice read, and committed.

Mr. TROUP, of Georgia, from the Committee

on Military Affairs, reported a bill to authorize the President of the United States to accept the service of volunteers who may associate and organize themselves for the defence of the frontier of the United States; which was twice read, and committed.

ISAAC CLASON.

The engrossed bill from the Senate for the relief of Isaac Clason, was read a third time.

The case of Isaac Clason has been for some years before the Legislature, and has frequently passed through one or the other House; sometimes separately, and sometimes in connexion with others. The following are the circumstances of his case, as stated by those who supported the bill: Several years ago, Mr. Clason, on account of circumstances arising from the existence of contagion in New York, was prevented from giving bond on a cargo of foreign produce re-exported, within the time required by law to entitle him to receive drawback thereon. He prays that, in consequence of these accidental circumstances, he may not be deprived of the benefit of drawback, which he would have received but for the intervention of circumstances not within his control.

The bill was opposed with some warmth, and supported with equal zeal, in a debate of some length. The objections were, that it was improper to legislate in particular cases, when others of the same class were passed by; that this was a claim not on the justice but on the liberality of Congress, who ought to be just before they were generous, and not open the Treasury to claims of this description, when claims of a more urgent nature, arising from the Revolutionary war, were barred by the statute of limitations. The claim was, on the other hand, supported on its merits, and the injustice of refusing to render justice in one case because it was not done in another.

A motion was made by Mr. GHOLSON, of Virginia, that the bill be postponed indefinitely; and the question being taken thereon, was decided as follows—For postponement 57, against it 83.

A motion was also made to postpone the bill to Monday next, and negatived—ayes 45.

A motion was then made to adjourn, and negatived. The same motion was again made, and negatived.

After further debate, the question on the passage of the bill was decided in the affirmative—yeas 84, nays 59, as follows:

**YEAS**—Messrs. Avery, Baylies of Massachusetts, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Caperton, Champion, Chappell, Cilley, Comstock, Cox, Creighton, Culpeper, Cuthbert, Davenport, Denoyelles, Ely, Fisk of Vermont, Fisk of New York, Gaston, Gourdin, Grosvenor, Hale, Hasbrouck, Hawes, Howell, Ingersoll, Irving, Jackson of Rhode Island, Kennedy, Kershaw, King of Massachusetts, Law, Lefferts, Lewis, Lovett, Markell, McKee, McKim, Miller, Moffitt, Montgomery, Moseley, Newton, Oakley, Pearson, Pitkin, Pleasants, Post, Potter, John Reed, Rich, Richardson, Ringgold, Robertson, Ruggles, Sage, Sheffey, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Smith of Virginia, Stanford,

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Stockton, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Williams, Wilson of Massachusetts, Winter, and Wood.

YAYS—Messrs. Alexander, Alston, Anderson, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Condict, Conard, Crawford, Crouch, Davis of Pennsylvania, Desha, Duvall, Earle, Eppes, Evans, Forney, Forsyth, Gholson, Goodwyn, Griffin, Grundy, Hall, Harris, Hungerford, Ingham, Irwin, Jackson of Virginia, Johnson of Virginia, Johnson of Kentucky, Kent of Maryland, Kerr, Kilbourn, King of North Carolina, Lowndes, Lyle, Macon, McCoy, Moore, Murfree, Nelson, Pickens, Rea of Pennsylvania, Rhea of Tennessee, Roane, Sharp, Tannehill, Telfair, Udree, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

So the bill was passed.

MONDAY, March 21.

A message from the Senate informed the House that the Senate have passed the bill "making appropriations for the support of Government, for the year 1844," with an amendment. The Senate have disagreed to the 2d, 5th, 16th, 18th, and 22d of the amendments made by this House to the bill "for the better organizing, paying, and supplying the Army of the United States," and have concurred in the residue of the said amendments with amendments; in all which amendments they ask the concurrence of this House.

#### YAZOO CLAIMS.

The House resolved itself into a Committee of the Whole, on the bill from the Senate for the indemnification of certain claimants to lands in the Mississippi Territory.

Mr. WRIGHT, of Maryland, addressed the Chair as follows:

Mr. Chairman—I feel myself bound as a member of the committee to whom this bill has been referred, in justice to the parties, as well as to the friends of the bill, to present this subject to the nation as it is, and to rescue the parties and their advocates from the ignorant clamors of the public prints. In May, 1789, Georgia established her Constitution, and thereby vested her Legislature with full power to dispose of her public lands. As a proof thereof, in December, 1789, she passed a law disposing of several tracts of land therein mentioned to three companies, by the names of the Virginia Yazoo, the South Carolina Yazoo, and Tennessee, and for issuing to them grants, on their complying with the conditions. These are parts of the same lands, but they failed to comply with the terms of the sale, and the lands remained to be disposed of by Georgia. On the 7th January, 1795, Georgia again sold those lands by an act of the Legislature of that State, to the four companies, under whom the present persons claim, amounting to fifty millions of acres of land, for the sum of five hundred thousand dollars, and, by the act, directed the Governor, on payment of the purchase money into the treasury of Georgia, to issue to the said companies their grants, agreeably to the said act. The several

companies without delay paid into the treasury the several sums by them respectively to be paid, and the Governor, in pursuance of the said act, issued to them their respective patents. During the Summer of 1795, these lands were sold to the New England purchasers, now applying for an equitable compromise, without notice of any malpractice in the original purchasers. In February, 1796, Georgia repealed the law of 7th of January, 1795, declared the sales under it fraudulent and void, and, as an evidence of their temperance, burnt the act and records of the grants with fire drawn from heaven with a sun-glass.

Even that Legislature, in this temper of mind, directed the repayment of the money paid into their treasury by these fraudulent purchasers—they did not burn that. And out of the five hundred thousand dollars paid into the treasury, three hundred and ten thousand six hundred and ninety-four dollars were withdrawn, and their claims to a proportionate quantity of the lands were given up. Permit me to remark, that by a number of resolutions of the old Congress, the lands belonging to the King of Great Britain, with whom we were at war, were pledged as a fund for the payment of the national debt, in the event of our conquest, which by the laws of war inured to the joint benefit of the nation, by whose united blood and treasure they should be conquered, and such a resolution will be found on the same page, with a vote of thanks to the Maryland line, for their gallant conduct in action in South Carolina; and it will appear that Maryland entered into the consideration, upon that express condition—her claim to her portion of these lands remaining yet to be adjusted, with the claims of her sister States.

Congress, however, desirous that the States, within whose jurisdictional limits these lands thus acquired were, pressed the States to relinquish them for that purpose, and on the 7th of April, 1798, passed an act authorizing the President to appoint three commissioners, to act with commissioners to be appointed by the State of Georgia, to fix the true limits of the State of Georgia, and to establish the Mississippi Territory out of the lands so relinquished by Georgia. On the 10th of May, 1800, Congress passed another act authorizing the commissioners so appointed, to make such settlement of limits, on such terms as might be agreed on, not advancing any money from the Treasury of the United States; and also, authorizing said commissioners to receive propositions of compromise for any claims against said lands so intended and expected to be relinquished by Georgia, many of the States having then relinquished large tracts of land to the United States. To fulfil this expectation, Georgia appointed Mr. Jackson and Mr. Baldwin of the Senate, and Mr. Milledge of the House of Representatives, on her part, and Mr. Jefferson appointed Mr. Madison the Secretary of State, Mr. Gallatin the Secretary of the Treasury, and Mr. Lincoln the Attorney General, who on the 24th of April, 1802, settled the limits of Georgia, and also of the Mississippi Territory, stipulated for the payment of a

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million and a quarter of dollars to Georgia, out of the first sales of the lands in the Mississippi Territory, and also, to extinguish the Indian title to all the lands within the limits of Georgia held by the Indians; they also agreed "that a portion of the said lands, not exceeding five millions of acres, or the proceeds of the said five millions of acres, or of any part thereof, be appropriated for the purpose of satisfying, quieting, and compensating for any claims other than those hereinbefore recognised, which may be made to the said lands, or any part thereof, provided it shall be appropriated by Congress within one year, after the confirmation of the said compromise by Georgia. And they limit the time for Georgia to decide on said agreement, to six months, and that Congress shall be bound by the agreement if they do not within six months repeal the laws for the appointment of said commissioners by the United States."

This agreement made and executed as aforesaid by the Commissioners of Georgia and the United States was on the 26th of April, 1802, submitted by the President to both Houses of Congress, and a motion was made in both Houses to repeal the laws for the appointment of the Commissioners of the United States, thereby to reject the said amendment. Then, sir, I was a member of the Senate, and it will appear by the votes and proceedings of that body, which I hold in my hand, that I then voted against that agreement. I opposed it, sir, first, because I thought the claim of Georgia to such an immense territory, with one Representative, inadmissible; that the paying her a million and a quarter of dollars for the Mississippi Territory, and extinguishing the Indian title to the lands in Georgia held by the Indians was an outrageous imposition, and a departure from the principles recognised by Congress, as to the lands conquered from the King of Great Britain by the Revolution, which by the laws of war vested in the conqueror, the United States. Secondly, I contended that the purchasers of the fifty millions of acres of land in the Mississippi Territory were or were not entitled—if entitled, they were entitled to the whole, and ought not, by the iron hand of power, to be deprived of their rights; if not entitled, it would be improper to give them five millions of acres as proposed by the agreement. That the repealing act of Georgia could not affect rights vested at the time. That Georgia ought to have tried the case in chancery, where, if fraudulent, she could have set aside their patents, which were evidence of a legal title, if the act of the Legislature could be avoided. I therefore voted against the agreement, which passed the Senate by a majority of only one vote. In the House of Representatives it passed by a majority of twelve votes, and the agreement with Georgia and the United States was thereby ratified and confirmed, on the part of the United States. Georgia also by her Legislature ratified it within six months.

After this agreement, so entered into, had been so ratified, although I voted against it, I considered the nation and Georgia bound by it, agree-

bly to its true intendment; and Congress, on the 3d March, 1803, in virtue of said agreement, and with intent to carry the same into effect, passed an act for that purpose; and, among other things, enacted—

"That so much of the five millions of acres reserved for that purpose, by the articles of agreement abovementioned, as may be necessary to satisfy the claims not confirmed by that agreement, which are embraced in the two first sections of this act, or which may be derived from British grants for lands which have not been regranting by the Spanish Government, be, and the same is hereby, appropriated, for that purpose, and so much of the residue of the said five millions of acres, or of the net proceeds thereof, as may be necessary for that purpose, *shall be and is hereby appropriated* for the purpose of *satisfying, quieting, and compensating* for such other claims to the lands south of the State of Tennessee, not recognised in the abovementioned articles of agreement, and which are derived from any act or *pretended* act of the State of Georgia, which Congress may hereafter think fit to provide for: *Provided, however, That no other claims shall be embraced by this appropriation, but those the evidence of which shall have on or before the first day of January next been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose, at the expense of the party exhibiting the same.*"

And the said act authorizes the Secretary of State, the Secretary of the Treasury, and the Attorney General, to receive the propositions of compromise from the companies or persons claiming lands in said Territory, and report their opinion to Congress at their next session; and that, no doubt, with a view of Congress *seeing fit* to confirm such compromise as our said Commissioners should approve. The said Commissioners, in virtue of said appointment reported, that a great majority of the persons claiming said lands had signed propositions to relinquish their claims at twenty-five cents per acre; "that this proposition is inadmissible, and without pretending to affirm that the Legislature of Georgia was incompetent to decide on the title, under all the circumstances that have come to their knowledge, they think their title cannot be supported." "But they nevertheless believe that the interest of the United States, the tranquillity of those who may hereafter inhabit that Territory, and various equitable considerations which may be urged in favor of most of the present claimants, render it expedient to enter into a compromise on reasonable terms."

"Under that impression a plan is submitted to the consideration of Congress, which, although it does not render a full indemnity to every claimant is believed to give in the aggregate nearly as much as has been paid in the whole by all the present claimants."

"As it is understood, and generally agreed, that the five millions of acres reserved by the agreement with Georgia constitute the fund from which the indemnity is to be paid, it is of primary importance that it should not exceed that fund."

"They, therefore, submit to Congress the following propositions:

"1. That so much of the five millions of acres as

shall remain after satisfying the claims therein specified, be appropriated for satisfying and quieting the claims of the persons who derive their claims from an act of the State of Georgia, passed 7th of January, 1795, for which purpose the several companies be permitted to locate the quantity allotted them on any part of the land they claim.

"2. That the claimants may nevertheless receive, in lieu of said lands, certificates bearing interest from 1st January, 1804, for two millions five hundred thousand dollars, or, at their option, certificates without interest to the amount of five millions of dollars, to be paid out of the proceeds of the sales of the public lands in the said Territory, after Georgia had received her million and a quarter of dollars.

"3. That the lands or certificates be apportioned among the companies agreeably to their claims.

"4. That every original grant, deed, or other claim, be exhibited to the Secretary of State within one year, to be recorded, and if not so exhibited, never to be received as evidence in any court.

"5. That the claims so exhibited shall be apportioned by Commissioners authorized finally to settle the same.

"6. That each individual claimant shall be allowed to have the benefit of these terms for the amount of his claim thus ascertained, and to receive, at his option, his proportion either of the lands or certificates bearing interest or certificates without interest."

This report was in December, 1804, in the House of Representatives, referred to a committee, which, on the 18th January, 1805, after examining the same, recommended the following resolution:

"Resolved, That three Commissioners be authorized to receive propositions of compromise and settlement from the several companies or persons having claims to public lands within the present limits of the Mississippi Territory, and finally to adjust and settle the same in such manner as in their opinion will conduce to the interest of the United States: *Provided*, in such settlement, the Commissioners shall not exceed the limits prescribed by the convention with the State of Georgia."

Let any man compare this proposed resolution with the report of the Commissioners and their opinions of the compromise that ought to be accepted and made, and they will discover not only an approbation of it, but that they should be re-appointed to confirm and execute it. This resolution, however, was not acted on during that session.

The next session the subject was brought before the Senate, who passed a bill to carry said compromise into effect by a large majority, which was rejected in the House of Representatives on the first reading, without examining the merits of the question, and some new members were excused from voting because they did not understand the subject.

In 1812 the Senate passed another bill to the same effect, which, from a multiplicity of important public business, was not acted on definitively in the House of Representatives, though I thought there was then a majority for it.

At this session, the present bill has passed the Senate by a majority of three to one, and it now becomes our duty to examine the case with tem-

per, and to decide it upon principles of justice and sound policy.

Having presented the subject with its history and progress before the Commissioners, as well as before both Houses of Congress, I will present to you the opinion of the Supreme Court, in a case instituted to try the title of the purchasers from Georgia, as delivered by Judge Marshall:

"The Legislature of Georgia had the right to dispose of her public lands, unless restrained by her constitution."

"Georgia, by her constitution of 1789, was not restrained, and by her act of 1795 did not transcend her powers."

"The lands in controversy vested in the original grantees, by the grant of the Governor, in pursuance of the act of 1795, who, being thus possessed of the legal estate, conveyed it to these innocent purchasers without notice, and if the original transaction was infected with fraud, these purchasers without notice were innocent. Yet the Legislature of Georgia have involved them in one common fate, *if that act be valid*."

"Georgia was a party to this transaction; and for a party to pronounce its own deed invalid, must be a mere act of power, not to be vindicated in courts of justice."

"If a suit be brought to set aside a conveyance obtained by fraud, and the fraud be clearly proved, the conveyance will be set aside as between the parties; but the right of third persons, who are purchasers without notice, for a valuable consideration, cannot be disregarded. Titles that, according to every legal test, are perfect, are acquired with confidence that they are safe. He who pays his money for a title good at law is innocent, and, whatever may be the guilt of others, equity will not subject him to the penalty of that guilt."

"Had a bill in chancery been filed against the purchasers for their fraudulent practices with the Legislature, whatever might have been its decision as to the original grantees, by the clearest principles of equity, would have left unmolested purchasers without notice for a valuable consideration."

"When a law is in its nature a contract whereby absolute rights have vested under that contract, a repeal of the law cannot divest these rights."

"The contract between Georgia and the purchasers was executed by the grant."

"By the Constitution no State can pass any law impairing the obligation of contracts."

I will add that, by the fourth article, first section of the Constitution, it is provided "that full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State."

In the scales of evidence a statute is a record of the first class, and the grant of the Governor under that act of such authority, that no lawyer, in examining the title, under the statute of Georgia and the grant in pursuance of it, could have hesitated to have declared the title good. He would have repelled the unheard of principle, that the act of a sovereign power could have been set aside by a subordinate court of chancery—sovereignty cannot be subordinate.

And yet the rights of these innocent purchasers without notice, whose innocence is declared by the report of your own Commissioners, con-

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firmed by the decision of the Supreme Court, and by the report of the committee now on your table; are to be destroyed by the typographical clamors of the *knights of the sheepskin*, who have ascended the whirlwind to direct the storm without a compass—the *truth*; and shall gentlemen be deterred from an examination of the merits of the case, and a decision of it upon the evidence, by these senseless denunciators? No, sir, I have met that whirlwind, and will assuage that storm by the honest history of this case, which is now submitted to you, and which will defeat their ridiculous machinations. But, strange as it may seem, we have been told on this floor that posterity will identify this thirteenth Congress with the corrupt Legislature of Georgia of 1795. I hope the honest historian who shall record the case, will note particularly, that when the Commissioners made the convention and Congress ratified it, and passed the act of 3d March, 1803, to carry that convention into effect, it was not known where the claimants lived, and that since it has been known that they resided in New England, that it has been made a geographical and a party question, as will appear by an examination of the votes in the case, there being but one vote against it to the east of New Jersey. I regret, sir, to see geographical and party principles so much incorporated into our legislative proceedings, and I wish I could say that they were confined to the Legislature alone; but I fear that is not the case. Had these claimants have resided in the Southern and Western sections of the Union, I cannot be brought to believe that they would not have had more friends in that quarter. Notwithstanding, I trust there will be a majority of this House, who, on a candid examination of it, will put to sleep a subject which has so long disturbed the public repose; and that when they recollect that even Georgia, in a paroxysm of just indignation, paid back to the original purchasers—covered, as they declared, with turpitude—their purchase money, this Congress will not only feel itself justified, but bound to pay back to these purchasers, declared innocent by your own Commissioners, by your Supreme Court, and by a committee of this House, that sum of money which, in 1802, your own Commissioners—one of whom is now Chief Magistrate—then declared was barely sufficient for that purpose, and that the sum proposed by this bill, without interest, for twelve years, will not now be denied to these patient applicants.

Mr. IRVING, of New York, assigned, in a neat speech of moderate length, the reasons which would influence him to vote in favor of this bill. He expressed his utter detestation of the fraud in which the purchase originated; but the titles of the present claimants had received such a legal sanction, that they were entitled to some attention. We are often under the necessity, in this world, of being governed by policy; of making a surrender of a small portion of our rights, that we may enjoy in comfort the whole of the remainder; of making friends with the very mammon of unrighteousness. On that score should

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he vote for this bill. Mr. I. adduced a number of considerations which, in his view, concurred to render the passage of the bill expedient; among which was the operation of time in confirming the titles of the present claimants, softening down the circumstances of the fraud, and the claimants becoming, by transfer or descent of the claims, more and more innocent, more and more entitled to relief. He relied also on the articles of agreement between the United States and Georgia, reserving five millions of acres for the purpose of settling the disputed claims to this land, which was reserved with no other view, however it might from a just pride have been disguised by the State of Georgia, than that of settling this claim. He added also, that it was the interest of the United States to quiet these claims in order that the fine country which they covered might be settled, &c. From these and a variety of other considerations which he urged, he was induced to vote in favor of this bill.

Mr. FORSYTH, of Georgia, took a variety of views of this bill, to the passage of which he was opposed on several grounds which he stated, the principal of which was, that Congress had not, by their act setting apart five millions of acres for the settlement of claims to the land ceded by the territory of Georgia, complied with that article of the compact which required the settlement of such claims to take place within one year after the passage of the law. His other objections were to the detail of the bill, and principally to the section which declares all claims which shall not be settled under this act to be void, &c., a course which he said the Government had no right to pursue.

Mr. OAKLEY, of New York, replied pretty much at length to Mr. FORSYTH's observations, which he deemed invalid; and defended the details of the bill with much zeal. He controverted Mr. F.'s construction of the articles of compact, which he said was contradicted also by the report of the commissioners, recommending a compromise of the claims long after the expiration of the year, succeeding the signature of the articles of agreement, &c.

Mr. FORSYTH briefly rejoined.

The Committee rose and reported their agreement to the bill—ayes 76, nays 44.

The bill being before the House, Mr. HALL, of Georgia, moved to strike out the fifth section of the bill, and to insert the following:

*And be it further enacted*, That, from and after the passing of this act, the balance of the five hundred thousand dollars, deposited by the original grantees as the consideration for the purchase of said lands, and which has not been withdrawn by the said grantees, their agent or agents, or persons claiming under them, (or expended in the hire of guards over the same,) shall be set over and paid, by the Secretary of the Treasury of the United States, to the State of Georgia, in part payment of one million two hundred and fifty thousand dollars, stipulated to be paid by the articles of agreement and cession between the United States and the State of Georgia.

This motion was opposed by Mr. OAKLEY, chiefly on account of the delay which such or



any amendment returned to the Senate might create in the passage of the bill; and was negative—ayes 38.

Mr. FORSYTH then moved to strike out the 4th section of the bill, which makes the stock created by this bill receivable in payment for public lands hereafter sold in the Mississippi Territory; which provision he considered inexpedient and repugnant to another part of the bill, which provides for the extinguishment of the debt due to Georgia previously to the redemption of these certificates, inasmuch as that provision would be thus completely evaded.

Mr. OAKLEY objected to the motion, which he said would defeat the compromise proposed, if it did not defeat the passage of the bill. The bill already proposed to pay the claimants a less sum than the principal and interest thereon that they had actually paid; and these certificates, which constituted the payment, not bearing interest, would lose much of their value if the proposed amendment prevailed; because, although there might be sufficient money to compensate the claim of Georgia in the Treasury or in the hands of the receivers, it might be some years before sufficient other moneys accrued to the Treasury to redeem the certificates.

After some further discussion, the question on the amendment proposed by Mr. FORSYTH, was decided by yeas and nays—for the amendment 62, against it 90, as follows:

**YEAS**—Messrs. Alexander, Alston, Anderson, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Calhoun, Condict, Conard, Crawford, Crouch, Cuthbert, Desha, Duvall, Eppes, Evans, Farrow, Forsyth, Franklin, Gholeon, Griffin, Grundy, Hall, Harris, Hawes, Hungerford, Ingersoll, Ingham, Irwin, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kerr, King of North Carolina, Leflerts, Lyle, Macon, McCoy, McKim, Moore, Murfree, Nelson, Newton, Piper, Pleasants, Rea of Pennsylvania, Roane, Sage, Seybert, Sharp, Stanford, Strong, Tannehill, Telfair, Troup, Udree, Whitehill, and Wilson of Pennsylvania.

**NAYS**—Messrs. Avery, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Champion, Cilley, Clark, Comstock, Cooper, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Davis of Pennsylvania, Ely, Findley, Fisk of Vermont, Fisk of New-York, Forney, Gaston, Geddes, Gourdin, Grosvenor, Hale, Hasbrouck, Howell, Hufty, Irving, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kent of Maryland, Kershaw, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Markell, McLean, Miller, Moffitt, Montgomery, Moseley, Oakley, Parker, Pearson, Pickering, Pickens, Pitkin, Post, Potter, John Reed, William Reed, Rich, Richardson, Ridgely, Robertson, Ruggles, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of N. York, Smith of Virginia, Stockton, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Williams, Wilson of Massachusetts, Winter, Wood, Wright, and Yancey.

So the amendment was negative.

Mr. TELFAIR, of Georgia, then moved to amend the section which the House had refused to strike

out, by adding thereto the following proviso, which he supported by appropriate remarks:

*Provided, also, That the certificates thus received in payment shall so far be considered cash, as to be obligatory upon the United States to pay over a like sum out of the proceeds of the first sales of land, according to the understanding of the deed of cession of the State of Georgia.*

Mr. OAKLEY opposed the motion, because he conceived it unnecessary, as the rights of Georgia were, as he believed, abundantly secured by the bill.

The question was taken on said amendment, and negative.

The usual hour of adjournment having arrived, a motion was made to adjourn, before ordering the bill to a third reading, on which the vote was: for adjournment 58, against it 63.

Mr. GASTON, of North Carolina, then moved an amendment to the first section of the bill, under the impression that the decision of the commissioners to be appointed ought to be final as to the claims of all companies or individuals who hold claims to the said land.

The object of the amendment was to secure the United States against future claims of all persons against whom the Board of Commissioners appointed by this bill shall decide; that is, to make the provisions of the bill completely final as to all conflicting claimants, that purchasers of the United States might not be harassed by suits from disappointed claimants.

Discussion arising on this motion, the House adjourned.

## TUESDAY, March 22.

Mr. ROBERTSON, of Louisiana, from the Committee of Public Lands, made an unfavorable report on the petition of a religious association in Illinois, praying for a grant of land, to which they have no title, on which they have built a church. The House having refused to lay the report on the table, as moved by Mr. HALL, of Georgia; it was taken up and concurred in.

Mr. INGERSOLL, of Pennsylvania, from the Judiciary Committee, who had been instructed to inquire into the expediency of raising the salary of the district judge of Massachusetts, made a report on the same, declaring in substance that however expedient it might be to raise the salaries of judges of the courts generally, this was not the moment when such a step would be expedient.—The report was concurred in.

A verbal amendment of the Senate to the general appropriation bill was taken up and agreed to.

## NATIONAL ARMORIES.

The amendments of the Senate to some and its disagreement to other amendments of this House, to the bill for the better organizing and supplying the Army, were taken up and discussed.

The amendments were of various importance. That which gave rise to the most discussion went to strike out a section (inserted in the bill by this House) which authorized the appointment of a

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Superintendent of Armories, with a salary of sixteen hundred dollars.

It was wished by Mr. TROUP, of Georgia, (the Chairman of the Military Committee of this House,) that the House insist on this provision, which he deemed necessary to the prosperity and well conducting of the armories of the United States, and to the proper manufacture and uniformity of quality of arms for the public service. It was contended by Mr. TALLMADGE, of Connecticut, Mr. ELY, and Mr. PICKERING, of Massachusetts, that the proposed officer would be of very little service to the armories, and obviously could not perform adequately the duty of personally superintending three armories, one in Massachusetts, one in Virginia, and one in South Carolina.

Mr. TROUP read a letter from the Secretary of War, and also a letter from the Commissary of Purchases, stating the irregularity in the manufactures of the public arms, and the abuses in the establishments of the armories; pointing out the necessity of a remedy, and indicating that which is proposed by the bill, in the event of the adoption of which it is proposed to discharge the subordinate superintendents now employed.

Mr. WEBSTER, of New Hampshire, took occasion; on Mr. TROUP's reading this letter from the Secretary of War, to object to the course of legislation lately pursued, of adopting measures at the recommendation of the Heads of Departments, addressed not to the House but to committees of the House, and which were frequently not laid before the House. He wished to see all such papers put on record, that it might be known at whose recommendation particular measures were adopted by Congress.

Mr. TROUP replied, that the letter was now in possession of the House, and might be disposed of as it thought proper.

The question on this House insisting on its amendment (to insert the section above mentioned) was decided in the negative.

On the question to recede from the said amendment, after further debate, it was decided in the affirmative. For receding, 82; the nays were not counted.

The other amendments of the Senate were agreed to.

#### YAZOO CLAIMS.

The House resumed the consideration of the bill for the indemnification of certain claimants to land in the Mississippi Territory.

Mr. GASTON's amendment was still under consideration, which amendment proposes to strike out from the end of the first section (providing for the release of all their title by the claimants) the following words: "such release, assignment, transfer, and power, to take effect on the indemnification of such claimants being made conformably to the provisions of this act."

After objections by Mr. OAKLEY, of New York, and Mr. WRIGHT, of Maryland, and remarks in reply by Mr. GASTON, the motion was negatived by a small majority.

Mr. INGERSOLL, of Pennsylvania, then moved that the bill be recommended to a select committee,

with instructions to report a bill providing that the Secretary of State, the Secretary of the Treasury, and the Attorney General of the United States, for the time being, be a board of commissioners to receive evidence and report to this House on the following particulars, to wit:

1. The precise amount of actual payments made by each and every purchaser and purchasers, without notice of the original fraud, under a grant made by the Legislature of Georgia to certain persons styled the South Carolina Company, the Georgia Company, the Upper Mississippi Company, the Tennessee Company, and the Georgia Mississippi Company, by virtue or color of any act or acts, pretended act or acts, of the State of Georgia.

2. The names, ages, and titles, whether original, derivative, in trust, or otherwise, of all such claimants.

3. The powers and authorities of all such claimants to make settlements with the United States for their said claims: *Provided, always*, That each and every claimant shall accompany his claim with an account, under oath or affirmation, of the amount of the money or other consideration actually paid by him, together with an oath or affirmation, that he, or she, or they, as the case may be, had no notice, knowledge, or information, of the original fraud; the forms of which oaths or affirmations shall be prescribed by the said commissioners.

Mr. INGERSOLL, in support of this motion, delivered his opinion on the subject very much at large, premising that three weeks ago he knew nothing of the circumstances of this case, had formed no opinion, and in examining it had commenced entirely *de novo*, and therefore without prejudice or bias in any way. Mr. I. spoke considerably more than an hour against the present bill.

Mr. ALSTON, of North Carolina, spoke in favor of recommitment; and Mr. FISK, of Vermont, against it.

The question on recommitment was decided in the negative, 53 voting in the affirmative. A motion was then made to adjourn and negatived.

Mr. FORSYTH, of Georgia, then moved to strike out of the third section the proviso, which excludes from all benefit under this act all persons who had fraudulently withdrawn money from the treasury of Georgia, and provides that all claims of such persons recorded in the office of the Department of State shall be vested in the United States. He contended that such a provision would have an *ex post facto* operation, and went to annex a penalty to certain immoral conduct, which was not punishable by any known law at the time of its commitment. The obvious tendency of the provision would be to defeat the avowed object of the bill, because the claims of persons of this description were as valid as any other of the claims, because all were equally fraudulent.

Mr. OAKLEY objected to the motion; and Mr. FORSYTH replied.

Mr. GHOLSON, of Virginia, also supported the motion; and Mr. JACKSON of Virginia, opposed it.

The proposed amendment was negatived.

Mr. HALL, of Georgia, moved to amend the 4th section of the bill, which makes the said certifi-

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cates of stock receivable in payment for public lands sold in the Mississippi Territory, by incorporating in it words to the following effect: "after payment of the debt due to the State of Georgia by the United States, under the article of agreement and cession, entered into on the 4th of April 1802."

After some observations by Mr. NEWTON, on the vital importance of the bill, and the necessity of due deliberation on its various and intricate provisions, on his motion, carried by a small majority, the House adjourned.

WEDNESDAY, March 23.

A message was received from the Senate announcing that they insist on their disagreement to the 16th amendment of this House, to the bill for the better supply of the Army, &c., and that they ask a conference.

#### YAZOO CLAIMS.

The House resumed the consideration of the unfinished business, being the bill from the Senate for the indemnification of certain claimants to lands in the Mississippi Territory.

Mr. HALL's amendment still under consideration, for securing to Georgia the first moneys arising from the sales of the lands in question, until the debt due to her by the United States should be satisfied.

The amendment was opposed by Mr. OAKLEY, of New York, as unnecessary, and supported by Messrs. HALL, ALSTON of North Carolina, Telfair of Georgia, and BARNETT of Georgia.

Mr. TROUP, of Georgia, moved to postpone the further consideration of the bill indefinitely, and in support of this motion entered at large into the subject, in which he displayed that vehemence and zeal which usually characterizes his observations on this question. He examined and dissected the report of the committee of this House on the subject, which he said contained not a tittle of evidence, not a particle of information; which, taking into view the ability of the committee who made it, he considered as evidence conclusive of the badness of their cause. He also examined the decision of the Supreme Court, and spoke against the decision, and the speculators in whose favor it was made, until he appeared to be exhausted by the effort of speaking. He spoke about an hour.

Mr. FARROW, of South Carolina, spoke as follows:

Mr. Speaker, when I first heard of the transaction and the claims—the subject of the bill under consideration—which happened many years ago—impressed with a belief that it was a wicked and corrupt fraud in the original purchasers, and that the second purchasers in Massachusetts, the present claimants, were knowing to the fraud before they became purchasers, I felt strong prejudices against all parties concerned in the same.

When this bill came from the Senate to this House, the other day, I undertook to prepare myself to vote on the subject. To do so, I attempted

to drive from my mind those prejudices thus imbibed; in this I have been unsuccessful; I find the nearer I come in contact with it, the more violent is the influence of my first impressions. But, under this embarrassment, I have the comfort to know that this enlightened body will attend to my remarks, and will not be influenced by my impressions.

In addressing you on the merits of the bill, there is another difficulty in my way. Ever since this subject has been called up, honorable members have stated that we ought to pass the bill, as the title of the claimants to the land has received the sanction of the Supreme Court by a solemn decision. I will remove this formidable barrier before I call your attention to the merits of the bill. To do this, does not require abilities, nor much labor. The case referred to is reported by *Cranch*, in his 6th vol., p. 87. I have read the case with attention, and I accord with the court in the opinion delivered in that case. But I deny that the court gave any decision on the great question before this House. The case before the court was a feigned issue made up between Fletcher and Peck, with the aid of their counsel, for the purpose of obtaining a judgment of the court against Fletcher, the plaintiff. If the plaintiff had have gained the action, the fifty millions of acres of land would have been lost. Notwithstanding the great zeal of plaintiffs to gain their suits, they oftentimes are disappointed; but I never did hear of one who wished to lose his suit, but what he was by some means accommodated. I never did see a judge who had talents and ingenuity enough to overrule and defeat both parties and their attorneys, and award judgment to the plaintiff, contrary to their united efforts. I am a stranger to the rule that authorized Messrs. Fletcher and Peck to make up a feigned issue for the court to try. I know that the courts possess the power of ordering issues to be made up.

Any honorable gentleman that will give himself the trouble to look into this case, must see that the deed from the defendant to the plaintiff, which contains the covenant, the ground of the action, was a feigned deed to enable them to make up the issue. The novelty of a covenant contained in the deed is worth seeing; nothing like it has ever appeared to us before. The special pleadings do display much ingenuity, well calculated to obtain a judgment against the plaintiff, and to keep the important question out of view, or rather out of danger; for the court did see it, but very properly observed that the pleadings did not bring it before them. To prove this, will you indulge me while I read to you that part of the opinion of the court? Here Mr. F. read—"What ever difficulties this subject might present when viewed under aspects of which it may be susceptible, this court can perceive none in the particular pleadings now under consideration. This is not a bill brought by the State of Georgia to annul the contract, nor does it appear to the court, by this count, that the State of Georgia is dissatisfied with the sale that has been made."

I must further trespass on the time of the House

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in calling your attention to a statement of the case before you, by which you will see that it was not before the court. On the 7th of January, 1795, the Legislature of the State of Georgia passed an act, by which they sold to four companies fifty million acres of land for \$500,000; one of these companies, called the Georgia Mississippi Company, on the — day of January, 1796, sold their part of the land to a company in Massachusetts, called the New England Mississippi Land Company. On the 13th February, 1796, the Legislature of the State of Georgia repealed the act, making a provision to refund to the purchasers any money that they had paid for the land. \$310,695 have been withdrawn from the treasury of the said State under this law.

The memorialists state, and so the fact is, that before the law was repealed they became purchasers; therefore, their purchase ought not to be affected by the repealing act. This is a correct position. The repealing law affords me no aid in making up the opinion that will govern my vote. If the first act was lawful, no subsequent act could rescind or impair contracts made under it. If the first act was void, on the ground that it was obtained by fraud, the repealing act was nugatory. But, notwithstanding the repealing act was not necessary, the honest and honorable intention of the Legislature who passed it was shown by the provision made to refund to the purchasers what they had paid. I lay down this principle, that a grant, or deed, obtained by fraud, is void. The volume that lies before me, which contains the proof taken by your commissioners appointed for that purpose, shows that every member, in both branches of the Legislature, who voted for the passage of the bill (with only one exception) by which the land was sold, was wickedly corrupted and bribed for that express purpose, and therefore void on the principle laid down.

I do agree with the memorialists, that a party executing a fraudulent deed, cannot take an advantage of his own turpitude to set aside his deed. But I state, that a third party who is injured can set it aside. In this case, who are the persons defrauded? Surely, not the members who received the amount in money for their votes; agreeably to contract, they cannot complain. The land sold belonged to the people of that State. The members were their agents, or representatives. Their powers extended to make any laws for the benefit of those whom they represented; and the moment that they combined with the corrupters to defraud their constituents, they that moment ceased to be the agents of the people of Georgia, and became the corrupted representatives of the corrupters, who were hostile to the interest of the citizens of that State. This is a view of the case, that the court states that the pleadings did not bring before them; and this is the fact that the special pleaders took so much pains to keep behind the curtain.

It is stated by the memorialists, and so contended by the honorable gentlemen who advocate their claim, that however fraudulent the transac-

tion between the Legislature and the grantees might have been, that it cannot affect their claim, who are innocent purchasers, for valuable consideration, without notice of the fraud practised. Mr. Speaker, if the claimants have made out such a case, you ought to relieve them by indemnifying them in what they have paid. Let us attend to the facts which accompanied the transaction, and see if it is probable, nay possible, that they could have made the purchase without sufficient notice to have prevented prudent men from engaging in the speculation. At the time, and for several months after the passage of the law in the State of Georgia, which authorized the selling of the land, the people of that State were much inflamed; meetings of the people over the State were called to express their disapprobation at the illegal conduct of their perjured, wicked, and debased Legislature; one of their Senators, by the name of Thomas, murdered, on account of his being engaged in the infamous fraud; the papers from the State of Georgia to Boston teemed with that base, infamous transaction. The fifteenth day of February, President WASHINGTON sent to Congress a Message in these words: "I have received copies of two acts of the Legislature of Georgia, one passed on the 28th day of December, and the other on the 7th day of January last, for appropriating and selling the Indian lands within the territorial limits claimed by that State. These acts embrace an object of such magnitude, and their consequences may so deeply affect the peace and welfare of the United States, that I have thought it necessary now to lay them before Congress." This message being of a public nature, I presume it was run through all the papers published in this Government; and this happened about eleven months before the claimants purchased.

It is also proper to state, that all the deeds given by the companies, which have been exhibited to the commissioners, as well as all the subsequent deeds, with only two or three exceptions, not only give a special instead of a general warrantee, but have also a special covenant in the following words: "And, lastly, it is covenanted, and expressly agreed and understood, by and between the parties to these presents, that neither the grantors aforesaid, nor their heirs, executors, or administrators, shall be held to any further or other warrantee than is hereinbefore expressed, nor liable to refunding of any money, in consequence of any defect in their title, from the State of Georgia, if any such there should hereafter appear to be." I will conclude this head with reading to you a few lines from the claimants' memorial that lies before you. Here Mr. F. read as follows: "It may with truth be affirmed, that the purchasers in Massachusetts, speaking of them generally, had never heard that any objections had been made to the grants; but considered them as the indisputable acts of the supreme power of Georgia. It is believed that not one of them had heard enough to excite alarm in any reasonable mind." I will only remark that, with the strength of this evidence, I am author-

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ized to say that it is impossible that the claimants could have purchased, without some notice of the fraud practised in the original transaction; they acknowledge some notice themselves.

It has also been said, that the Government is pledged to remunerate the claimants. If that is a fact, I request that some honorable member would be kind enough to show me the law wherein the faith of the nation is pledged. I will not examine into the policy of the law: whatever you may have promised to do shall be faithfully performed, as far as my vote can accomplish it. But, I have in vain looked for any act pledging your Government, and I defy gentlemen to point it out to me. Neither the compact with Georgia nor the subsequent acts of Congress contain any such a clause.

The Legislature of the State of Georgia sold the land in question to the grantees for \$500,000. After that State repealed the act under which the land was sold, the State refunded to the purchasers \$310,695 15. The United States shortly afterwards purchased the same land for \$1,250,000, and by this bill you propose to the claimants \$5,000,000, to purchase from them their claim! How or by what rule will posterity be able to understand this method of legislating? How will the historian record this transaction when we are gone? I presume, somehow in this manner: after stating that King Charles the Second by charter created the colony of Carolina, and that the same was divided; that this 50,000,000 of acres in part founded the new colony called Georgia; that a company called the Yazoo Company, in the Winter of the year 1795, bribed the Legislature of Georgia to pass a law to sell this 50,000,000 acres to them for \$500,000, and that the thirteenth Congress purchased the same from the said company, and of those to whom they had sold a part, at the sum of \$5,000,000; and in this manner will be coupled together the corrupted Legislature, the Yazoo Company, and the thirteenth Congress. For, you are certainly purchasing with a knowledge of the original fraud, and thereby consuming the same.

Your Government ought to have nothing to do with the Yazoo purchase, with the company, nor their claim. If they have a right to 50,000,000 of acres of land, it is unjust for you, by virtue of your power, to compel them to take \$5,000,000 for it. If they have no right, it is unwise and unjust for you to give them \$5,000,000 of money that belongs to the nation.

But, it is stated that the poor, honest yeomanry of the East became purchasers of this land, innocent and ignorant of the fraud. Do you believe, if you pass the bill, that class of people will derive any advantage by it? If you think so, you must have a very contemptible opinion of the dexterity of speculators. They have known for two months past that the bill now under consideration will pass this session, and they have purchased up from those honest people their shares for very trifling sums before this time. If you want any proof of this, I must call your recollection back to the funding of indents. In that case,

a speculation was opened, which extended from your Capitol to every corner of the nation; and some of your high military officers were engaged in the business, purchasing up the claims of the soldiers, who fought and bled by their side, at the rate of about ten dollars for one; and, by the time that it was known that the law was passed for funding the indents, there was not one to be found in the hands of the poor soldiers, whose toil and blood purchased your independence. Speculators are not less attentive to this business now than what they were then, and probably not much more honest.

But, the bill upon your table provides as well for the infamous, base, fraudulent corrupters, as those who you say are innocent second purchasers. Your bill places them all on the same footing. Yes, the bill before you makes provision for the same men who counted out the money to the treacherous, corrupted Legislature, as a bribe—the price of their vote. And those same men, by this bill, are invited into your Treasury, with hands besmeared with fraud and corruption, to receive the reward of their labors! While you continue to boast that yours is the only virtuous nation on earth, I beseech you to keep it so, by rewarding virtue and punishing vice. Smile on virtue, but frown vice out of your presence. Have nothing to do with either the Yazooos or the claimants.

To make a contract, it is necessary that both parties should be able to contract, and both reciprocally bound by the same. You, on the part of the Government, are able to pass this bill, by which you hold the nation to perform on her part; but, who are the other party, and where are they? The reporting committee states in this way: "The committee will remark, generally, that the authority of the agents appears to be very extensive; and that, in the course of their inquiries on this head, they have discovered no reason to believe that any one of the claimants will refuse to accede to the proposed compromise."

This is all the information that your committee can give you on the subject. The claimants are not before you to agree to the compromise; they are not bound, and it is impossible that they can be. The claimants are scattered over your Government—some of them in Europe. Many children, of tender age, are entitled under the grants from Georgia. If those grants convey a title, they cannot be represented so as to enable you to dispossess them of their freehold; and the framers of the bill appear to have been sensible of this difficulty, to remedy which, the eighth section is introduced. Let us examine if it will answer the purpose. Mr. F. read the section:

"And be it further enacted, That, if any person or persons claiming lands under the aforesaid act, or pretended act, of the State of Georgia, passed January 7, 1795, shall neglect or refuse to compromise and make settlement of all such claim or claims, in conformity with the provisions of this act, the United States shall be, and hereby are declared to be, exonerated and discharged from all such claim or claims, and the same shall be forever barred; and no evidence of any such

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claim or claims shall be admitted to be pleaded, or allowed to be given in evidence, in any court whatever, against any grant derived from the United States."

Mr. Speaker, this is a very plain section. You tell the claimants that you want and will have their land; telling them to relinquish and give up to you their title, and that you will give to them five millions of dollars; but, that if they refuse to do so, you will give them nothing; and that, if they sue any person for the same, to whom you may sell, their grants and deeds shall not be admitted in court as evidence of their title. Sir, I admire your power for making of contracts, but I dislike your principles. Do you believe that you possess such powers; and if you do, are you in your discretion ready to exercise them? As this bill originated in the Senate, and passed by that honorable body, it would appear almost presumptuous in me to say that the eighth section is unconstitutional; but I will say that it is repugnant to the first principles of civilized nations; and I never understood that your Constitution gave birth to new principles.

Mr. FINDLEY, of Pennsylvania, spoke a few minutes, chiefly in reply to Mr. FARROW.

Mr. EPPES, of Virginia, followed in an animated and decided speech of nearly an hour, in opposition to the bill, and in favor of Mr. TROUP's motion.

Mr. CLARK, of Kentucky, replied to Mr. EPPES and others, and supported the passage of the bill in an argumentative speech of considerable length.

Mr. BARNETT, of Georgia, opposed the bill, and recited various circumstances to prove the villainy practised by the first purchasers.

Mr. FISK, of New York, in a short and pertinent speech, advocated the bill and opposed the motion to postpone.

Mr. STANFORD, of North Carolina, rose to reply to a remark made by Mr. CLARK, respecting the mutilation of the documents in the office of the Clerk of this House, which established the fraud in the purchase of the Yazoo lands; which fact Mr. S. had asserted some days ago. He now reiterated the assertion, and his statement was confirmed by Mr. MACON, of North Carolina, and others.

A good deal of explanatory conversation took place on this topic, during which several motions to adjourn were made and lost.

Mr. NELSON, of Virginia, declared his intention of opposing his voice to the passage of the bill, and commenced a speech in opposition thereto. After proceeding a few minutes, he made a motion to adjourn, and accordingly the House adjourned.

THURSDAY, March 24.

Mr. MILLER presented a memorial of sundry physicians residing in the city of Albany, in the State of New York, requesting that Congress would make known whether it was their intention to require physicians who keep medicines on hand, for making up their own prescriptions, to take out licenses as retail dealers in foreign mer-

chandise.—Referred to the Committee of Ways and Means.

The House agreed to appoint managers on its part of the conference with the Senate on the disagreeing votes of the two Houses on the amendment of this House to the bill for better organization and supply of the Army.

A Message from the President was read, transmitting to the Congress certain resolutions adopted by the Legislature of Pennsylvania, expressive of their abhorrence of the conduct of the Governor of the State of Vermont, in issuing a proclamation to recall the militia of Vermont from the frontier, and their no less astonishment and regret at beholding a resolution lying on the table of the Legislature of another State approving his conduct, accompanied by a threat to act on it if the General Government shall think proper to inquire into the constitutionality of his conduct; and declaring that the Legislature of Pennsylvania, as legislators or individual members of society, will aid and support the Government in all Constitutional measures to bring to justice any and all infractors of the Constitution and the laws.—Read, and ordered to lie on the table.

#### YAZOO CLAIMS.

The House resumed the consideration of the unfinished business, being the bill from the Senate for the indemnification of certain claimants to land in the Mississippi Territory—the motion for indefinite postponement still under consideration.

Mr. NELSON, of Virginia, redeemed his pledge yesterday given to oppose this bill. He perceived, he said, the total inability of any effort to stem the torrent now setting in favor of this measure; but he could not consent that this bill should pass without some remarks from him against it. He proceeded to take a legal view of the question, and laid down the principle, that the rights of sovereignty of a nation were not examinable by its subordinate agents; that courts, being but subordinate agents to the sovereign authority, had no power to adjudge the rights of the sovereign who created them; that the Supreme Court could not decide against the rights of the United States, &c., because, if it could, the creature would be paramount to the creator. That a conveyance originating in fraud was void *ab initio* between individuals, and much more in a case where a State is concerned; that the Legislature had not power to transfer property appertaining to the sovereignty, and, having transcended their powers, the sale was void, were it never so fair and honest a sale. Mr. N. spoke about an hour in a strain of indignant feeling against the bill.

Mr. LATTIMORE, of Mississippi, spoke as follows: Mr. Speaker, it is with peculiar reluctance that I rise on this occasion. But as I am not much in the habit of troubling the House, I hope I shall be indulged in some remarks on a question the most important to the Territory I represent of any that has ever been agitated on this floor. Some years ago, Mr. Speaker, I had the honor of



a seat in this House; and at all the four sessions which I served (except, perhaps, one) this subject was discussed, yet I never took any part in the debate. On these occasions it was contended on the one side, that the act of sale of Georgia was valid; on the other, that it was not valid. By gentlemen eminent for their legal abilities, (such as there always are in this House,) both of these opinions were strenuously maintained. It was, sir, impossible for me to determine which was the right one, or to foresee what would be the issue of this claim in a court of law. But my doubts are now at an end. I consider the principle as settled; and conceive that all inquiries on this subject should commence with the decision of the Supreme Federal Court. Whether this decision be a correct one or not, it is not for me to say. It is true I am no lawyer; yet I am sufficiently acquainted with the institutions of my country to know that the final decisions of courts must be carried into effect. That the decision of the Supreme Court of the United States would be favorable to the companies claiming under the act of Georgia, I cannot doubt. I must take things as I find them, not as I wish them to be. Had the court decided against the validity of that act, I should not now open my lips on this subject, and the people whom I represent would have hailed the decision as preserving them from evils which, as things now are, they have but too much reason to apprehend. Or, if Congress should even yet think it proper to adopt measures to counteract that decision, and would do so, I should still be content. But, sir, I do not believe that any will be adopted. It has been ten years since the question was first agitated in Congress, and several since it was decided in court; yet no remedy has been provided, none attempted, none suggested, during all this time. I see, therefore, but too well, that if these claims are not compromised, the claimants will harass us by law, and ultimately evict us of our lands.

I will now, Mr. Speaker, notice some observations of honorable gentlemen, to which I feel it my duty to reply. I understood an honorable gentleman from Pennsylvania (Mr. INGERSOLL) to say, that the Legislature of Georgia has no right to sell the territory in question, inasmuch as the Indian title was not extinguished; and that, therefore, I need not indulge in the apprehension I had expressed in relation to the claims intended to be compromised by the bill. But let me say to that gentleman, that he has not quieted my fears. It will be admitted, I presume, that Georgia could sell just such a right as she had; and that if she had any, it was a right of preemption. It is doubted whether she had any right at all to these lands; but this is now immaterial, since the court has determined that she had. I will not, however, argue the principle with the gentleman as to the right of Georgia to sell Indian lands. He is chairman of the Committee on the Judiciary, and it would be presumption in me to contend with him on this point. Yielding, then, to the gentleman, for the sake of argument, the correctness of the principle he has assumed, I

must be permitted to say that he is not correct as to the facts. He must be informed that the Indian title to seven-eighths at least of all the settled parts of the territory exposed to these claims was extinguished long before the act of sale of Georgia was passed. The gentleman's conclusion is of course incorrect; and no obstacle, in relation to the Indian title, will prevent the Yazoo companies from prosecuting their claims to the lands of the settlers in courts of law.

An honorable gentleman from Georgia, (Mr. TROUP,) with a view of showing that the settlement of the Mississippi Territory has not been retarded from an apprehension of the Yazoo claims, has stated that more public land has been sold in that Territory, than has been sold in the State of Ohio within the same time. This statement is made on the authority of a document which is obtained, no doubt, from an official source. Since the gentleman made this statement yesterday, I also have procured one from the Land Office, and will now compare notes. I do not know how the mistake has arisen, but there certainly is a wide difference between his statement and the document which I have procured. From this it appears that three times as much land was sold in the State of Ohio and the Indiana Territory together, as was sold in the Mississippi Territory within the same four years. Another document which I have shows that considerably more than double the quantity of land was sold in the State of Ohio alone in one year, than was sold in the same year in the Mississippi Territory. [Mr. T. explaining, said he had stated that more land had been sold within the same time in the Mississippi Territory than had been sold in the State of Ohio in proportion to the relative quantity of land subject to sale in each.] Still this goes to prove the point which I have in view. Why is it that there is not a greater quantity of public lands subject to sale in the Mississippi Territory? Because the Indian title is not extinguished. And why is the Indian title not extinguished? Because the Yazoo claims cover the country. I recollect, sir, that when I formerly had the honor of a seat in this House, a treaty was made with some of the Indian tribes, under the authority of the President of the United States, and sanctioned by the Senate; but the appropriations for carrying it into effect were withheld by this House, because a part of the land ceded lay within the claim of one of the Yazoo companies, (in the Big Bend of Tennessee, now Madison county,) and the treaty had to lie over a whole year. This shows, sir, that the Indian title to lands in the Mississippi Territory is not to be extinguished, and, consequently, that the country will not be settled so long as these claims are in the way.

The gentleman from Georgia has said also, that the Mississippi Territory has settled more rapidly than any other of the Territories of the United States. It would probably require considerable investigation to ascertain the fact; but if the gentleman would give himself the trouble of inquiring more closely into this subject, I think his inquiries would lead him to a different result. I do

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not know the relative increase of population in the different Territories; but with respect to Ohio, which was a Territory, I recollect that, in the year 1803, soon after it was admitted into the Union as a State, it was entitled to but one Representative in this House, and contained when admitted, as I am informed, about 45,000 souls. But this State has now six Representatives on this floor; it has, therefore, gained in ten years not much less than 200,000 souls. The Mississippi Territory has gained only about 35,000 in more than fourteen years—on an average about 2,500 a year. I do not think that this can be considered, with propriety, a rapid increase of population, especially when compared with the emigrations to other parts of the United States.

Another remark of the gentleman was calculated to make an impression of great importance upon the House. I should be sorry to misconceive the gentleman, but I understood him as saying, in substance, that there was no propriety in urging the settlement of the Mississippi Territory, for the purpose of enabling it to defend itself and the State of Louisiana; that Tennessee and Georgia had defended the former, and that we should soon have peace with the Indians. Before I say one word in reply to these observations of the gentleman, I wish to express my grateful approbation of the conduct of the people of Tennessee and Georgia, in relation to the present Indian war. Yes, sir, I feel great pleasure in expressing the sentiments of gratitude which I cherish, and which I have on every occasion expressed—sentiments which the people of the Mississippi Territory also cherish and express. I wish it to be distinctly understood, that we feel ourselves greatly indebted to the brave people of those States for their patriotism, their promptitude, and friendly aid in our defence. But, sir, whilst I ascribe much, I cannot ascribe everything to this aid.

The gentleman says that Tennessee and Georgia have defended us; and here I must repeat my gratitude for the defence which has been extended to us by these States. But did they defend Fort Mims, which fell before they knew that we needed defence? Did they prevent the sacrifice of hundreds of inhabitants in that quarter of the country, who fell victims to savage hostility, whilst the unhappy remnant, abandoning their property to destruction, had to seek refuge in forts, and there remain trembling for their lives; to preserve which, even in that situation, required all the local militia, the whole of the twelve months' volunteers, and nearly all the regular force that the country possessed? Why did the Western settlement—the principal settlement of the Territory on the Mississippi river—not experience a similar fate? I presume no gentleman anticipates the reply. Here, Mr. Speaker, I must disclose a fact, which, but for the observation of the gentleman from Georgia, I might have withheld from this House. It may be humiliating to the House—it may be humiliating to the nation—still it is my duty to make it known. But why was the Western part also of the Mississippi Ter-

ritory not invaded by the Creeks? Because the Choctaw nation interposed. The Choctaws are a numerous nation as well as the Creeks, and are even said to be more warlike and brave. When the fall of Fort Mims was known in the Western settlement, the inhabitants of this section of the Territory entertained, as they had but too much reason to do, much solicitude for their safety; and the Choctaw nation became the object of their hopes and their fears. It seemed to be the universal opinion of those who were acquainted with the disposition of Indians, that the Choctaws would not be neutral when those around them were at war; and the anxious and important inquiry of every one was, which side will they take? Happily for us the Choctaw nation, which some years ago was divided into an American party, and a French or Spanish party, has since, through the assiduity and address of the agent, the present incumbent, become more united in our favor, and formed something like a general attachment to the United States. When the war with the Creeks commenced, the Choctaws took a deep interest in the event, and, determining in favor of the United States, gave the Creeks to understand that they should not pass through their lands to make war upon the whites. Their geographical position and physical strength enabled them to enforce this determination, and save our Western settlements, by presenting a complete barrier to the inroads of the Creeks. But for this barrier, that settlement also might have been ravaged by our cruel foe. But for this barrier, dispersed as the population of that settlement is, and deprived as it was of all the regular force in the country which had been drawn to another point, (the Tombigbee settlement,) one thousand Creeks might have made their way through the strongest part of it, have crossed over the Mississippi to Louisiana, and laid waste all the upper settlements of that State.

But it seems we are now to have peace with the Creeks. This may be; it may be very soon. But I have heard nothing on the subject that is satisfactory to my mind. If the gentleman from Georgia is in possession of facts which assure him of such an event, I would thank him if he would communicate them to me, and rejoice my heart. But a word or two more respecting these Creeks. The general denomination of Creeks is applied to several nations of Indians, with only one of whom (the Muscogees) we are at war; and even of that one a portion is friendly to us, and engaged in our cause. It is this one nation of Indians, divided as they are, that has given us so much trouble and done us so much harm; and notwithstanding the brilliant victories obtained over them by the brave people of Tennessee and Georgia, they still hold out and maintain their ground in the heart of the Territory where they live. Yet, against the hostility of these Creeks, as well as against that of all other nations, whether savage or civilized, both Louisiana and the Mississippi Territory are to rely on Tennessee and Georgia for defence. I regret, Mr. Speaker, that the honorable gentleman who is chairman

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of the Military Committee did not take that enlarged view of this subject, which his capacious mind would have enabled him to do. Tennessee and Georgia defend Louisiana at the distance of five, six, or seven hundred miles! No, sir; the means of defence must be nearer at hand, to be timely and effectually employed. And let not gentlemen say there is no danger of an attack on this portion of the United States. We are at war, and New Orleans may be invaded. Nay, it seems as if danger was now apprehended; or why has the Governor of Louisiana called out the militia of that State, for the avowed purpose of defending the metropolis itself? It will not be foreign to this part of the subject to notice a circumstance of considerable notoriety, and which cannot but be known to this House. Every gentleman here must be acquainted with the fact, of a large and formidable community of pirates being established in Louisiana, not one hundred miles from New Orleans, who have killed several of the custom-house officers and wounded others, and whom all the militia and regulars have not been able to dislodge.

In pursuing my view of this subject, let me observe, that Pensacola and all East Florida are in possession of a foreign Power. I could wish that gentlemen would lay the map before them, and view all the points from which we might be invaded between the Chattahoochie and Mississippi rivers, and see whether the means of defence could be so readily furnished from any other quarter as the Mississippi Territory, provided it had the population which it is susceptible of. But the settlement of this country is an object of sufficient importance to claim the attention of this House, though viewed in relation to the protection of New Orleans alone. The State of Louisiana is certainly a very fine country, and possesses, perhaps, more advantages than any other State in the Union; yet its localities are such as to render it unsusceptible of a large compact population; and some of its settlements are too remote from New Orleans to afford it such speedy succor it might need. The Mississippi Territory is susceptible of such a population, and, being contiguous, could, if settled to the extent of its capacity, afford more prompt and efficient aid to that city, than all the Western and Southern States combined. The importance of this great emporium (New Orleans) to all the upper country, needs not to be shown. Once let it fall into the hands of an enemy, and I perceive a general sensation and effect throughout all the States and Territories that enjoy its trade. It might be recovered, indeed, (no doubt of this,) but in doing so the Delta of the Mississippi would furnish untimely graves for thousands of the brave youth of the West.

The settlement of the Mississippi Territory would be highly advantageous in another point of view. Its climate and soil render it particularly capable of producing that valuable raw material (cotton) which is now in such general demand, and which it could furnish to all the manufacturing and commercial States; whilst it

would afford an extensive market for the manufactures and other articles which those States would find it to their advantage to supply. In short, whether this Territory be considered in relation to its susceptibility of commercial advantages, or its capacity for military defence, (were it well settled,) there is not a more interesting portion of country in all the United States.

But if the claims of the Yazoo companies, which cover this territory, are not compromised, what will be the effect on the pecuniary interest of the United States? The gentleman from Georgia says if these companies are entitled to any of the land, they are entitled to all; then let them take the whole, if they can obtain it by law. To say nothing of the loss which the United States would sustain in such an event, by being deprived of the proceeds of the future sales of these lands, it may be well to inquire what they would have to refund, if the companies establish the whole of their claim. This claim embraces nearly all the lands held by the present settlers of the Territory. Some of these hold under titles, legally and fully executed, derived from the Spanish Government, which are expressly confirmed by the articles of agreement and cession between the United States and the State of Georgia. Others held under incomplete Spanish titles, which the United States have also confirmed. And others who are purchasers, (the most numerous description of all,) hold under titles originally and exclusively derived from the United States. Of these purchasers, some have completed their payments, others have paid in part, and all will have to pay the whole. The lands purchased are obtained at two dollars per acre; but it is impossible to say what their increased value may be. This will depend much on the labor and expense which may be bestowed on their improvement. Some may be worth four dollars the acre, some six, some ten, and others more. Who, then, can calculate the amount which the United States may have to refund? And what will they make by the purchase from Georgia, if the claimants under the act of that State obtain the whole extent of their claim? They will have made a very bad bargain with Georgia in such an event. I think Georgia has made a very good one on her part, and that she ought to be content. She receives \$1,250,000, and gets rid of much trouble and perplexity, which she has shifted from herself upon the United States. Yet the gentlemen from Georgia seem unwilling that the United States also should get rid of the embarrassments which the Legislature of their State has produced. Why are the United States paying to Georgia \$1,250,000 if they are not to be permitted to save a part of the purchase by extinguishing the Yazoo claims? If these claims eventually succeed to their full extent, and the United States, of consequence, lose their territory, after paying the \$1,250,000, and after paying all the various expenses incurred in the adjustment of claims, and the disposal of lands in that Territory, and still have to compensate the settlers who may lose their lands, I

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repeat the question—what will they make by the purchase?

But there is one short answer to all this. Gentlemen say they will not compromise with corruption and fraud. This position is too abstract; and the zeal indulged on this subject seems to be displayed rather against the act than those who committed it. The authors of this criminal speculation are not within the reach of this House. The original purchasers have transferred their claims, which have passed into the hands of those whose innocence should be presumed. I am not the advocate of the present claimants. I know nothing of them. Still I cannot but believe, from the documents before me, that they were generally ignorant of the fraud. But admitting that they are all corrupt, equally corrupt with the original purchasers, what then? I will give gentlemen as broad ground as they wish, and broader than they have assumed. I will suppose, for the sake of argument, that all the present claimants had knowledge of the fraudulent transaction; and then ask, if we the people of the Mississippi Territory are to be punished for their crime? I foresee, sir, that such will be the issue, if the compromise contemplated by the bill does not take place. I cannot but reflect upon the injustice of such a case. The guilty original purchasers, and the more guilty sellers, (the Legislature of Georgia,) have escaped justice, and profited by their guilt; the present claimants have a legal decision in their favor; while the innocent settlers in the Territory, who have had no sort of participation in the transaction, must yield their rights, or preserve them at the risk of their lives. And what might be the issue of the contest, I cannot say. I would, sir, be far from encouraging or wishing such a contest. But gentlemen are acquainted with human nature as well as I am. They all know how much men are attached to their property, especially to property in land on which they reside. And why? Because it is their home, the dwelling place of their families, which the recollection of a thousand interesting domestic and social scenes renders them reluctant to leave. Sir, there is an injury sustained in such cases, a violence done to the feelings, for which no reparation can be made. If even complete pecuniary compensation were provided, many would still be unwilling to take an equivalent in money for an abode of their choice, which many considerations endear to their minds. It may be that there is a sacred spot on the premises, where the remains of their connexions are deposited; and what sensibilities will be excited, if families are driven from their homes, and forced to abandon the soil which contains the ashes of their friends!

Mr. Speaker, I cannot but advert to the course which has been given to this bill. When it came from the Senate and was about to be read, it was ordered to lie on the table, although several other bills in a similar situation were read immediately thereafter, and disposed of in the usual way. After lying some time, this bill was at length called up, when a motion for its rejection

was made. This having failed, it was regularly referred and reported on; and after being again before the House, and after having undergone sufficient discussion for a decision on its merits, a motion is now made for its indefinite postponement. I have all along apprehended this motion, recollecting that when I had formerly the honor of a seat in this House, it was by such means that the compromise was always defeated, although there was then always a majority that seemed in favor of its being carried into effect. Among those who approved of the measure, there are always some who are willing to put off its adoption until a more convenient season, which season never arrives.

The gentleman from Georgia says he is tired and sick of the subject. Why then defer it from year to year? If gentlemen from Georgia are so tired and sick of this question, what should the people of the Mississippi Territory be, who have so much at stake? They have but too much cause to be tired of anxiety and sick of suspense; and I may well exclaim for them, we are weary of conjecture. To do, or not to do? That is the question. Whether it be better to prepare to resign to the injustice which awaits us with folded arms, or to raise them in defence of our rights?

Why postpone this question again? Is it to be without end? Has not the settlement of our territory been already sufficiently retarded by the claim, which this bill is intended to put at rest? Had it been compromised ten years ago, as then proposed, the country might have contained at this time, instead of forty or fifty thousand, one hundred and fifty or two hundred thousand souls, and have been sufficiently strong to control all savage hostility, and check the sanguinary intrigues of the Governor of Pensacola, who has furnished the means of our destruction, and evinced as much enmity as he dares to do, and more than would have been suffered with impunity by any other Government than that of the United States. Yes, sir, to the postponement of this compromise may justly be attributed all the blood which has been shed, and all the treasure which has been expended in this war with the Creeks.

But, sir, while I ascribe to such a cause the evils we have sustained, I am far from supposing anything like hostility in the minds of honorable gentlemen to the Mississippi Territory. Among those who oppose this compromise, I see a number of my old friends who, in other respects, have uniformly supported the interests of the country. I represent. I do not call in question the motives of gentlemen. My observations apply to the tendency, and what I fear will be the result, of their course in relation to this claim. No, sir, I cannot suppose hostility to our Territory from either side of the House, or from any branch of the Government. Such a supposition would oppose all my former experience, and be the reverse of what I have both known and declared. For it has been my pride and my boast to feel myself, and say to my constituents, that our section of

the Union has never ceased to obtain the patronage of the Government of the United States.

Mr. Speaker, I hope the motion for postponement will not prevail. I wish to see the question decided upon its merits. If a majority suppose the bill to be improper, let it be rejected, that we may prepare for events. If a majority conceive it proper, why delay its passage another whole year? We have already suffered much, and may yet suffer more. What do we ask? Not a grant of lands—no direct positive gift. We solicit a preservation from evils, the removal of obstacles that lie in our way. We wish things to take only their common and natural course, and to see the country settle and strengthen without unnecessary impediment or delay. Our property, our rights, our lives, are at risk; and it is time to begin to provide the means of our protection and defence. If they are to be provided at all, I do hope that the provision will not be deferred. Why defer it when so much apprehension and danger exist, and while the Indian tomahawk is still held over our heads?

Mr. GHOLSON, of Virginia, opposed the bill very decidedly on the grounds heretofore occupied, viz: the fraud of the original transaction; the fallacy of the reasoning, and error of judgment of the Supreme Court; the slender title of the present claimants to the charity, and their want of claim, on the justice of the Government, &c. Mr. G. in substance said he did not impute corrupt motives to the members of Congress. On the contrary, he said that he believed gentlemen who from policy and prudential considerations had advocated the bill, were actuated by the purest motives. He believed them to be honorable men. But, he said, he feared, if the bill passed, that the future historian, and posterity, in reviewing this transaction, would couple with the original grant of the Georgia Legislature, the act of compromise of the thirteenth Congress, and that the proper distinction between the two might not be sufficiently discerned.

Mr. STANFORD, of North Carolina, opposed the bill in a short speech.

Mr. LATTIMORE, of Mississippi, submitted a few remarks in reply to Mr. STANFORD.

After some explanatory conversation between Mr. YANCEY and Mr. GHOLSON, the latter of whom had been misunderstood in a remark he had made on this subject—

Mr. YANCEY, of North Carolina, stated concisely the reasons which would govern him in voting for the bill. He should support its passage from a belief in its present expediency, and not from any view to sanction the original corruption of the Yazoo speculation.

Mr. WRIGHT, of Maryland, offered a few additional remarks, and Mr. ALSTON, of North Carolina, said a few words in explanation of a fact which had been alluded to; when

The question was taken on the motion to postpone the bill indefinitely, and decided in the negative—yeas 72, nays 83, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bowen, Brown, Burwell, Cald-

well, Calhoun, Condict, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Forsyth, Franklin, Gholson, Goodwyn, Griffin, Grundy, Hall, Harris, Hawes, Hungerford, Ingersoll, Ingham, Irwin, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kerr, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Piper, Pleasants, Rea of Pennsylvania, Roane, Sage, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Telfair, Troup, Udree, Whitehill, and Wilson of Pennsylvania.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Champion, Cilley, Clark, Comstock, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Ely, Findley, Fisk of Vermont, Fisk of New York, Forney, Gaston, Geddes, Gourdin, Grosvenor, Hale, Hasbrouck, Hufty, Irving, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kershaw, Kilbourn, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Markell, Miller, Moffitt, Montgomery, Moseley, Oakley, Parker, Pearson, Pickering, Pickens, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Ridgely, Robertson, Ruggles, Sheffield, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Stuart, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Williams, Wilson of Massachusetts, Winter, Wright, and Yancey.

The question then recurred on the amendment proposed by Mr. HALL on the 22d instant, and being taken, it was determined in the negative—yeas 64, nays 85, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Calhoun, Condict, Conard, Crawford, Crouch, Cuthbert, Denoyelles, Desha, Duvall, Earle, Eppes, Forsyth, Franklin, Gholson, Goodwyn, Griffin, Hall, Hawes, Hungerford, Ingersoll, Ingham, Irving, Johnson of Virginia, Johnson of Kentucky, Kerr, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McKim, Moore, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Roane, Sage, Sharp, Smith of Virginia, Stanford, Strong, Tannehill, Telfair, Troup, Udree, Whitehill, Wilson of Pennsylvania, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Champion, Cilley, Clark, Comstock, Cooper, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Ely, Findley, Fisk of Vermont, Fisk of New York, Forney, Gaston, Geddes, Gourdin, Grosvenor, Grundy, Hale, Hasbrouck, Howell, Hufty, Irwin, Jackson of Rhode Island, Jackson of Virginia, Kennedy, Kent of New York, Kent of Maryland, Kershaw, Kilbourn, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Markell, Miller, Moffitt, Montgomery, Moseley, Oakley, Parker, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Richardson, Ridgely, Robertson, Ruggles, Seybert, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Williams, Wilson of Massachusetts, Winter, and Wright.

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Mr. MACON, of North Carolina, spoke a few minutes on a particular clause of the bill.

Mr. FISK, of New York, replied.

Mr. ALSTON then moved to amend the bill by striking out the following words, contained in the 14th line of the 1st section, to wit: "a sufficient legal release of all such claim or claims to the United States," and to insert these words: "such sufficient release as, in the opinion of the President of the United States, shall release to the United States and discharge all claims to the said lands." But before the question was taken the House adjourned.

FRIDAY, March 25.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill to revive, and continue in force, "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," which was read twice and ordered to lie on the table.

Mr. NELSON, of Virginia, from the committee to whom was referred the petition of Joseph Anderson, and a resolution of the 29th of January, directing an inquiry into the justice of making good certain bounties in land promised during the Revolutionary war by the State of Virginia to her officers, soldiers, seamen, &c., made a report, which was ordered to be referred to a Committee of the Whole, and be printed—ayes 91.

A message from the Senate informed the House that the Senate have passed a bill "to authorize two lotteries in Georgetown, District of Columbia;" also, a joint resolution for the appointment of a joint committee to inquire into the expediency of establishing permanent rules for regulating and conducting the printing of the two Houses;" in which bill and resolution they ask the concurrence of this House. The Senate have disagreed to the report of the Committee of Conference on the disagreeing votes of the two Houses to the sixteenth amendment of the House of Representatives to the bill for the better organizing, paying, and supplying the Army of the United States," and ask a further conference on the subject-matter thereof: and the Senate have appointed managers at said conference on their part.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred the petition of James Washburn and John Alexander, of New Bedford, Mass., made the following report, which was read and concurred in:

The object of the petitioners is to be relieved from the payment of two executions which have been issued against them. The facts as set forth are these:

The petitioners, in the Summer of 1811, despatched the schooner Mars, a coasting vessel, to Eastport, in Massachusetts, for a load of plaster of Paris, which was obtained; on her return she was seized, and the vessel and cargo were libelled. Judgment by the court was given against the vessel and cargo, on this ground: that the vessel, as a coasting vessel, was engaged, contrary to law, in a foreign trade; all which will evidently appear by a reference to the record. The petitioners seek relief from Congress, and rely to obtain it on the ground that the plaster of Paris, which was

purchased of a certain Solomon Rice, of Eastport, was legally imported into the United States. This case has been solemnly decided by the judiciary, on great deliberation, after giving the parties ample time to make their defence. The fact on which they depend for obtaining relief from Congress, if it existed at all, had an existence prior to the institution of a libel against the said vessel and cargo, and might have been made manifest to the court. But this was not done; no new case is made out; a review of the cause, in the nature of an appeal, is solicited. This solicitation is contrary to every principle of jurisprudence, were it to be granted. Infinite mischief would be the result, and the province of the judicatories of the United States would be invaded. If the parties have sustained any damage, it is fairly chargeable to their own rashness or negligence. If they are without a remedy, they are the cause of it. From this view of the case, the committee are compelled to recommend to the House the adoption of the following resolution:

*Resolved*, That the petitioners have leave to withdraw their petition.

#### REMISSION OF DUTIES.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred the petition of Zenon Orso, a native of New Orleans, made the following report, which was read and ordered to lie on the table:

The petitioner states, that, since the year 1809, he has purchased of John D. Beckett, and others, merchants of New Orleans, sundry articles of foreign merchandise, the duties on which he was informed, and verily believes, have been paid. That the merchandise, thus purchased, at sundry times, was shipped on board the coasting schooner Victoire, to the town of Mobile, in that part of Louisiana, of which possession had not been delivered to the Government of the United States, and there landed the said merchandise, and disposed of a part of the same. The petitioner also, further states, that, towards the end of November, 1810, it was generally believed, that a certain Reuben Kemper, with others associated with him, had formed a plan for taking, plundering, and burning the said town of Mobile. The petitioner, apprehending an attack on the said town, embarked for the county of Baldwin, near Fort Stoddert, carrying with him, in the said schooner Victoire, his family, and the merchandise which remained unsold; the articles of which are enumerated in the invoice annexed to this petition. On the arrival of which merchandise, at the port of Fort Stoddert, the petitioner reported to the collector of the district of Mobile, who compelled him to enter the same, and give bond for the payment of duties on the same. The petitioner prays to be relieved from the payment of the said bond, amounting to upwards of six hundred dollars.

The committee, on mature consideration of this case, are impressed with the opinion, that they have no jurisdiction over the same. They think that it belongs, properly, to the cognizance of the judiciary. The petitioner complains that he has been compelled, by the collector at Fort Stoddert, to execute a bond contrary to law, for the payment of duties on certain merchandise, not liable to pay duties. The case is briefly this: the merchandise subjected to duty, he says, he purchased of John D. Beckett, and others, at New Orleans, in the years 1809 and 1810, the duties, previously to his purchasing the same, having been paid. That, in the year 1809 he moved, and carried with him to



the town of Mobile, the merchandise then purchased; and that at sundry times afterwards, in the year 1810, he received at the last mentioned place, other articles of merchandise, purchased of the said John D. Beckett, and others; and that he resided at the town of Mobile, till the latter end of November, 1810; at which time, apprehending an attack on the town, by a certain Reuben Kemper and others, he removed, with the merchandise then unsold, to the county of Baldwin, near Fort Stoddert. If the petitioner has been constrained, illegally, to secure the duties on the above-mentioned merchandise, the courts of law are open to the petitioner for relief; to them he ought to resort. The petitioner can fairly bring his case to a judicial examination and decision, by refusing to pay the bond, executed by him to secure the duties to the United States. It is the province of the Legislature to enact laws, but not to expound and enforce them. Happily for this nation, these solemn duties are confided to separate and distinct departments. The committee can never be brought to countenance an usurpation of power, by any of their acts. The demarkations which the Constitution has fixed and assigned to the several co-ordinate branches of the Government, will be sedulously kept in view. They will never pass, knowingly, the barrier prescribed by the Constitution to their functions. These considerations, they conceive, sufficiently justify them in recommending to the House of Representatives to refuse the interposition of its extraordinary powers, and the propriety of leaving the petitioner to his remedy at law. But, should the House deem this position not solid, and require a report on the merits of the case; in order to meet with promptitude such a requisition, and to prevent delay, the committee beg leave to offer the following views on the merits of the claim of the petitioner, to a remission of the duties:

On a full and deliberate examination of this case, this committee are of opinion, that relief ought not to be granted. The reasons which have led them to form this opinion, are the following: The petitioner, who states that he is a citizen of the United States, knew, at the time that he removed from New Orleans, with the avowed intention of taking his stand, of residing at the town of Mobile, and carrying on there the business of a merchant, that the town of Mobile was in possession of the Spaniards, and subject, while they possessed it, to the laws of Spain.

He had voluntarily removed himself from the jurisdiction of the laws of the United States, and had relinquished during such residence there, all claim to the privileges which they impart. Had he committed, while he resided there, an offence, which was punishable by the Spanish laws, he would have been amenable to them? Had he imported merchandise there, it would likewise have been subject to the tariff of the Spanish customs, and the duties arising from the same, would have gone to the Spanish treasury. These are positions the committee take to be undeniable; no exception can be made to them; nor can the petitioner avail to himself any advantage, by alleging, that the town of Mobile, was a part of Louisiana; because, although the town in fact was part of the territory belonging to the United States, yet the possession of it had not been obtained by the Government of the United States, from that of Spain.

During the forcible detainer of the town of Mobile, by the Spanish Government, that of the United States could view it in no other light, than as being, during the possession thereof by the Spaniards, for all purposes of commerce and intercourse, a place under the

jurisdiction of a foreign nation. Had the Government of the United States considered it in any other point of view, the town of Mobile would have been the emporium of foreign merchandise for the surrounding country, and the treasury of the United States would have been defrauded of the duties arising on their importation. If these reasons be sound, and the committee are persuaded that they are so, the petitioner can have no just cause for complaining that the merchandise, which he removed from the town of Mobile, to the county of Baldwin, has been subjected to the payment of duties to the United States. Should this ground, however, prove to be untenable, which the committee apprehend is not likely to be done; another consideration of which the petitioner's case is susceptible, will place it beyond every hope of redress, and show, in the strongest manner, that, by granting relief, all the just rules which reason and law sanction, would be violated.

The petitioner, in substantiating his claim to have the duties remitted, which he has been compelled to secure to the United States, by the collector of Fort Stoddert, insists much on this fact, that the merchandise, on which the duties have been paid, was purchased of certain merchants in New Orleans, on which the duties, previous to his purchasing the same, had been paid to the United States. This statement, and the confident reliance of the petitioner on it, to make good his claim, requires some examination. To perform which task, the committee are necessarily compelled to analyze the evidence offered by the petitioner. The deposition of John D. Beckett, taken *ex parte*, amounts to this, that certain merchandise, specified in the invoice annexed to the petition, was purchased of him at New Orleans, in the years 1809 and 1810, but it does not prove that the merchandise which was removed in 1810, by the petitioner, in the schooner *Victoire*, a coasting vessel of the United States, to the aforementioned county of Baldwin, was the same merchandise which had been purchased of him in the years 1809 and 1810. Nor was it possible for the deponent to do so. How could he depose to the identity of the articles of merchandise, after such a lapse of time? Could not the town of Mobile be furnished in the course of trade, with the like articles, from no other person than the deponent; from no other place than New Orleans? The attempt to prove the fact as stated, would be proving too much; it would be proving a thing, if not impossible, that was at least highly improbable. The fact, then, that the merchandise which was removed to the aforementioned county of Baldwin, was a part of the same specified in the invoice, and which was purchased as aforementioned, is proved only by the statement and averment of the petitioner alone. This testimony is inadmissible; it is contrary to all the rules of enlightened jurisprudence, that the party interested should be a witness; nay, the sole witness in his own cause. The committee do not intend, by their mode of examining this case, to implicate the characters of the petitioner, or the deponent. These are persons unknown to them; and they deprecate nothing more than the infliction of injury on the feelings and characters of those who shall pass in their view and review, while performing the sacred office of judges. To keep the scales of justice in equipoise, between the Government and the citizen, is the sole object of the committee. To effectuate this object, always desirable, but of difficult attainment, the freedom of discussion is essential. Truth cannot be arrived at without the vigorous and free exercise and exertion of

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the faculties of the mind. Her lights must be elicited, like sparks from the flint; to those belong the property to animate and to cherish, and, when just cause and imperious necessity shall require, to blast, or to consume.

For these reasons, the committee respectfully submit the following resolution:

*Resolved*, That the petitioner have leave to withdraw his petition.

#### YAZOO CLAIMS.

The House resumed the consideration of the unfinished business of yesterday, being the bill to compromise the claims to lands in the Mississippi Territory.

Mr. ALSTON's amendment, proposing to strike out of the 4th section, the words "a sufficient legal release of all such claim or claims to the United States," and insert "such sufficient release as in the opinion of the President of the United States," being still under consideration—

Messrs. OAKLEY and FISK, of New York, opposed its adoption, and Mr. ALSTON supported it.

The question on Mr. ALSTON's motion was decided in the negative, without a division.

Mr. YANCEY moved to add the following proviso to the end of the 4th section:

*"Provided further*, That no person or persons, making payment for lands in certificates authorized to be issued by this act, shall be entitled to discount for prompt payment, now allowed by law to purchasers of public lands."

And the question being taken, it passed in the affirmative.

Mr. BARNETT moved to amend the bill by inserting a new section as the 8th section of the bill, as follows:

Sec. 8. *And be it further enacted*, That no original grantee or grantees, their heirs or devisees, or any person or persons concerned in, or privy to, the fraud in the original contract, or any one claiming under them, having notice of the fraud at the time of purchase, shall be entitled to any benefit arising from the provisions of this bill, but all such claims shall accrue to the United States."

This proposition produced considerable discussion, in which Messrs. OAKLEY, BARNETT, FISK of New York, WRIGHT, GRUNDY, WEBSTER, PICKENS, JACKSON of Virginia, FISK of Vermont, and SHARP, took a part.

Mr. SHARP, of Kentucky, took occasion to express his opinions respecting the principle of the bill. He reprobated, in an energetic and eloquent manner, the fraud of the original purchase, and invoked the House not to sanction so corrupt a transaction, and prostrate the principles of justice itself, from motives of expediency and policy.

Mr. ROBERTSON, of Louisiana, opposed the amendment. He likewise reiterated the reasons he had before submitted in support of the bill in its present shape; and disclaimed for himself any intention, either directly or indirectly, to give countenance to the original fraud. His object was to extend relief to innocent and uncontaminated sufferers, who, but for the compromise contemplated, would be involved in undeserved

ruin, and to that ruin he would not consent to abandon them.

Mr. JACKSON, of Virginia, briefly replied to Mr. SHARP, and vindicated his reasons for advocating the bill.

Mr. NELSON, of Virginia, explained concisely some of the opinions advanced by him yesterday against the bill, and replied to the several gentlemen on the other side. He likewise disclaimed any design to impeach the motives of those gentlemen who advocated the bill.

Mr. FISK, of Vermont, spoke with much zeal against the amendment. He said that, while the House was unanimously condemning the fraud of the first purchase, the proposed amendment, by requiring an oath to entitle claimants to indemnification, was, in effect, offering a bribe to swear falsely. He entered at some length, also, into an investigation of the policy of the bill, which he supported.

Mr. BARNETT, of Georgia, replied to Mr. FISK, and again urged the propriety of the amendment.

Mr. HALL, of Georgia, followed in support of the amendment, and adduced various considerations in its favor.

Mr. GHOLSON, of Virginia, made a few remarks on the amendment and on the bill. He said the claims which gave rise to the bill were founded on the decision of the Supreme Court so often alluded to, yet, in all the classes of claimants comprehended in the proposed amendment, not a case could be found similar to the case decided by the Court. He took occasion also to disclaim, in a remark he made yesterday, and which had been noticed in the course of debate, any intention to wound the feelings of gentlemen in favor of the compromise, or to reflect on their motives.

Mr. OAKLEY, of New York, replied to Mr. GHOLSON, so far as respected his allusion to the decision of the Supreme Court; which decision he explained, and illustrated in an argumentative and perspicuous manner. He likewise touched upon and advocated the validity of the act making the original Yazoo grant, and the consequent nullity of the rescinding act; which opinion he supported by the great principle of the Constitution that declares no State shall pass a law to impair the obligation of contracts, &c.

The question was then taken on Mr. BARNETT's amendment, and lost. For the amendment 71, against it, 86, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Calhoun, Condict, Conard, Crawford, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duval, Earle, Eppes, Evans, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Hawes, Humphreys, Hungerford, Ingersoll, Ingham, Irwin, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kerr, Lefferts, Lyle, Macon, McCoy, McKee, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Piper, Pleasants, Rea of Pennsylvania, Ringgold, Roane, Sage, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Telfair,

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Troup, Udree, Whitehill, Wilson of Pennsylvania, and Wright.

**NAMES**—Messrs. Archer, Avery, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Champion, Cilley, Clark, Comstock, Cooper, Cox, Creighton, Culpeper, Davenport, Davis of Massachusetts, Ely, Findley, Fisk of Vermont, Fisk of New York, Forney, Gaston, Geddes, Grosvenor, Harris, Hasbrouck, Howell, Hufty, Irving, Jackson of Rhode Island, Jackson of Virginia, Kent of New York, Kent of Maryland, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Lowndes, Markell, Miller, Moffit, Montgomery, Moseley, Oakley, Parker, Pearson, Pickering, Pickens, Pitkin, Post, Potter, John Reed, William Reed, Rich, Richardson, Ridgely, Robertson, Ruggles, Sherwood, Skinner, Smith of New Hampshire, Smith of New York, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Williams, Wilson of Massachusetts, Winter, Wood, and Yancey.

A motion was made by Mr. OAKLEY, to amend the third section of the bill, by inserting the following proviso, to come in as the first proviso of that section:

*"Provided, That every person having claim under either of the said companies, and entitled to indemnity by virtue of this act, shall receive such indemnity only in proportion to the amount of such claim."*

And the question being taken, it passed in the affirmative.

After the proviso which commences in the 27th line of the second section, so as to read, "and provided, also."

A motion was then made, by Mr. OAKLEY, to amend the bill by inserting a new section, to come in between the seventh and eighth sections, as follows:

SEC. 8. *And be it further enacted, That, whenever the legal estate in any of the said lands (supposing the said act of the Legislature of the State of Georgia, of the 7th of January, 1795, had been valid and effectual) shall be vested in any person or persons who, at the time of the passing of this act, shall be under the age of twenty-one years, it shall be lawful for the guardian or guardians of such person or persons, appointed in pursuance of the laws of the respective States in which such person or persons may reside, to execute for and in behalf of such person or persons, and deposit in the office of the Secretary of State of the United States, the release, assignment, and power, mentioned in the first section of this act; which said release, assignment, and power, so executed and deposited, as aforesaid, are hereby declared to be good and effectual, to all intents and purposes.*

And the question being taken, it passed in the affirmative.

A motion was made by Mr. INGHAM, to amend the third section of the bill, by striking out these words: "Out of the first moneys in the Treasury of the United States arising from the sales of public lands in the Mississippi Territory, after the money due to the State of Georgia, and the expenses of surveying such lands, have been satisfied;" and, in lieu thereof, to insert the following: "in the manner prescribed by the fourth section of this act."

And the question being taken, it was determined in the negative.

A motion was then made by Mr. PICKENS, to amend the bill, by adding to the end of the eighth section, as adopted, the following words:

*"That in case of femmes covert claiming lands under the act, or pretended act, of the State of Georgia, aforesaid, passed the 7th day of January, 1795, it shall be lawful for the husband and wife to join in the execution of the release, assignment, and transfer, mentioned in the first section of this act, and that such release, assignment, and transfer, shall be good and effectual as to the interest of such wife: Provided, That the release, assignment, and transfer, executed as aforesaid, shall be acknowledged before a judge or justice of a court of record, and shall have the attestation of such judge or justice, certifying that, on the separate examination of the wife, she acknowledged that she had freely and voluntarily executed the same."*

And the question being taken, it passed in the affirmative.

On motion of Mr. OAKLEY, the bill was further amended, by striking out the word "August," in the first and second sections, and inserting the word "January."

A motion was made, by Mr. GRUNDY, to amend the third section, by striking out the following words, contained in the 3d and 4th lines: "or of any of them, as are hereinbefore prescribed," and insert the following words: "to the amount of at least nine-tenths of the whole lands claimed by virtue of the sales made by the Legislature of the State of Georgia, to the respective companies hereafter enumerated."

A motion was made by Mr. OAKLEY, to amend the amendment offered by Mr. GRUNDY, by striking out the word "nine," and inserting "six."

And the question being taken, it was determined in the negative.

A motion was then made, by Mr. WRIGHT, to amend the amendment proposed by Mr. GRUNDY, by striking out the word "nine," and inserting "eight."

And the question being taken, it was determined in the negative.

The question was then taken to agree to the said amendment, and passed in the affirmative.

A motion was then made, by Mr. OAKLEY, to add to the amendment proposed by Mr. GRUNDY, and last adopted, the following words: "exclusive of such claims to the said lands as shall have vested in the United States by the operation of law."

And the question thereon being taken, it passed in the affirmative.

A motion was made, by Mr. ALSTON, to amend the bill, by inserting, after the word "who," in the twenty-eighth line of the third section, the following words: "by themselves, their agents, or partners."

And the question being taken, it was determined in the negative.

A motion was made, by Mr. GRUNDY, to add a proviso to the end of the third section, in the following words:

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"And, provided also, That no certificate of stock shall issue until at least nine-tenths of the claims derived under the sales made by the State of Georgia, exclusive of such claims to the said lands as shall have vested in the United States by operation of law, shall have been surrendered and duly released, as required by this act,"

And the question being taken, it was determined in the negative.

A motion was made, by Mr. YANCEY, to amend the bill, by striking out from the word "claims," in the 3d line of the 8th section of the bill as sent from the Senate, to the end of that section, and inserting the following words: "within the time 'and upon the conditions mentioned in this act, 'they shall be forever thereafter precluded of the 'benefit of the said compromise."

And the question being taken, it was determined in the negative.

Mr. GASTON said he was conscious that a majority of the House were impatient for a decision upon the bill, and would receive with reluctance any proposition to amend it. But he felt it a duty emphatically to declare his disapprobation of a principle contained in one of the sections of the bill, and he knew of no mode by which this intention could be so effectually executed as by moving to strike out that section. Whatever might be the result of this motion, earnestly as he wished it to succeed, he should vote in favor of the bill. He should give this vote because of his conviction that the public peace and the prosperity of an extensive territory demanded that a dangerous controversy should be quieted, and the examination of the committee rendered it almost certain that the bill would produce this salutary consequence. The bill holds forth an offer of compromise to the claimants under the act of Georgia, which we have reason to believe will be generally if not universally accepted. The compromise would probably be more advantageous to them than the assertion of a doubtful and deservedly odious claim. It assuredly, in his judgment, was less injurious to the nation than the possibility that this claim might be hereafter asserted with effect.

That a reasonable time should be allowed to the claimants to determine on the acceptance or rejection of this proposition, and that all that declined acceptance within the prescribed period, should be excluded from the benefit of it, was perfectly correct. He approved also of the amendment which had been incorporated into the bill, forbidding all compromise unless nine-tenths of the claimants should embrace it. But the eighth section (said Mr. G.) undertakes to do what I cannot sanction. In substance, it declares that those who will not accede to the compromise shall forfeit their claims to the land derived under the act of Georgia. I will not say that you have not the power to legislate to this effect; but I do say, if you have the power, the exercise of it is arbitrary and despotic. You are not, indeed, fettered as the Legislature of Georgia by constitutional prohibitions to impair the obligation of contracts, but you are bound by the fundamental

maxims of justice not to annihilate vested rights without the consent of those to whom they appertain. The principle involved in this section is as tyrannical as that which characterized the repealing and (as the Supreme Court has pronounced) the void act of the Legislature of Georgia. You in fact say to the claimants, "if you will not accept of what we choose to give, what you have shall be taken away." The principle is monstrous—I protest against it, and to record that protest move you that the eighth section be stricken out.

And the question being taken, it was determined in the negative.

A motion was made, by Mr. HALL, to amend the bill, by striking out from the words "use of," in the 10th line of the sixth section, to the end of that section, and to insert the following words: "Such person or persons as were, at that time, or 'now are, seized in fee of the title, and shall be, and 'hereby are, declared to be holden and liable to 'refund and pay the amount to such person or 'persons, or their legal representatives. And the 'Commissioners herein named, for the use of the 'United States, shall deduct the amount of the 'money so withdrawn, from the sums which may 'be allowed in the compromise herein contemplated with persons claiming under, and deriving title from, any original grantee or grantees, their associates, or agents, in proportion to the 'respective sums which have been drawn by or 'in the name of such company or companies, or 'by any person under them, in terms of the afore-said act of the State of Georgia."

And the question being taken, it was determined in the negative.

Finally, the question was stated on engrossing the amendments, and, together with the bill, being passed to a third reading; when

Mr. PICKENS, of South Carolina, asked leave substantially to state the reasons which would govern him in voting against the bill. He then took a brief view of the subject, and declared his belief in the expediency and propriety of a compromise; but the bill was defective, he said, in certain particulars, which, in his opinion, rendered its passage improper, and which could not be remedied at this late hour, even though he were able to frame the necessary amendments.

The question, as stated above, was then taken, and decided in the affirmative. For engrossing 85, against it 65.

— SATURDAY, March 26.

Mr. INGERSOLL, from the Committee on the Judiciary, made a report on the petition of the Board of Trustees of Jefferson College, in the Mississippi Territory; which was read, and ordered to lie on the table.

Mr. WEBSTER, of New Hampshire, presented the petition of sundry inhabitants of the town of Portsmouth, New Hampshire, sufferers by the late destructive fire in that town, praying to be allowed to transport lime by water from the District of Maine, to enable them to rebuild their

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houses; which was read, and referred to a select committee, with instructions to bring in a bill conformable to the prayer of the petition—Messrs. WEBSTER, WARD of Massachusetts, FORSYTH, WOOD, and KENNEDY, were appointed the committee.

Mr. ROBERTSON, from the Committee on the Public Lands, made a report on the resolution of sundry inhabitants of the Illinois Territory, referred on the 21st of December last; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill "declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned," with amendments, in which they ask the concurrence of this House.

The amendments were read, and, together with the bill, were ordered to lie on the table.

The bill from the Senate "to authorize two lotteries in Georgetown, District of Columbia," was read twice, and referred to the Committee for the District of Columbia.

The SPEAKER laid before the House a letter addressed to him, enclosing the certificate of the election of JOSEPH H. HAWKINS, to serve in this House, as one of the members of the State of Kentucky, in the place of Henry Clay, resigned. Referred to the Committee of Elections.

The House proceeded to consider the message from the Senate, asking a further conference upon the subject-matter of the disagreeing votes of the two Houses on the 16th amendment made by this House to the bill "for the better organizing, paying, and supplying, the Army of the United States." When,

Mr. TROUP, from the managers appointed on the part of this House, to attend the conference on the said disagreeing votes, made a report; which was read: Whereupon,

*Resolved*, That this House do agree to the request of the Senate for a further conference upon the subject-matter of the said 16th amendment, and that Messrs. TROUP, TALLMADGE, and DESHA, be managers at the same, on the part of this House.

A joint resolution from the Senate for appointing a joint committee to establish permanent rules and regulations for the printing of the two Houses was taken up, and, being amended, on motion of Mr. JACKSON, of Virginia, by adding the words "supply of stationery," to the resolution; it was agreed to, and a committee ordered on the part of this House.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of David Porter, and his officers and crews;" also, a bill "authorizing the President of the United States to exchange a certain parcel of land in the city of New York, for other lands in the same city, or its vicinity," in which bills they ask the concurrence of this House.

Mr. TROUP, from the conferees on the part of the House, appointed, this day, to attend a further conference with the conferees on the part of the Senate, on the disagreeing votes of the

two Houses on the bill "for the better organizing, paying, and supplying the Army of the United States;" made a report; which was read, and adopted by the House.

### YAZOO CLAIMS.

The bill from the Senate "for the indemnification of certain claimants of public lands in the Mississippi Territory," was read the third time as amended, and the question was stated: "Shall the bill pass?" Whereupon,

Mr. PICKENS moved to amend the bill, by adding thereto the following words, by way of rider:

*"And be it further enacted*, That all persons claiming lands under the aforesaid act, or pretended act, of the State of Georgia, passed January the 7th, 1795, shall produce all the evidences of their claims on or before the first day of January next, and deposit the same in the office of the Secretary of State of the United States, for the examination of the Commissioners appointed by virtue of this act, and for the purpose of being transcribed in a book to be kept for that purpose. And all persons claiming as aforesaid, who shall fail to produce and deposit the evidences of their claims, as herein required, shall forfeit all such claims to the United States; and no claim, or evidence of claim, not so produced and deposited on or before the day mentioned in this section, shall ever be admitted in evidence in any court whatever, against any title derived from the United States:

This motion gave rise to a short discussion, in which Messrs. PICKENS, OAKLEY, FISK of New York, WRIGHT, MACON, GASTON, STANFORD, CUTHBERT, and FORSYTH, took part; during which Mr. STANFORD made a motion to commit the bill and rider to a select committee, which motion was lost.

The question was then taken on ordering the rider to be engrossed, and decided in the negative—ayes 60, noes 71.

Mr. PICKENS then, with a view to render the bill less exceptionable to himself and others, moved to recommit it to a Committee of the Whole; which motion was lost without a division.

The bill being put on its passage—

Mr. SHARP, of Kentucky, in an animated speech of more than half an hour, opposed its passage. He took a rapid but comprehensive view of the subject, and opposed the bill on grounds both of inexpediency and injustice.

Mr. BARNETT, of Georgia, followed on the same side of the question. Having been an eyewitness of the original fraud, and having a personal knowledge of all its enormity, he spoke in a feeling manner of that transaction and of its consequences, &c.

Mr. RICHARDSON, of Massachusetts, spoke a short time in support of the bill and in reply to gentlemen who opposed it.

Mr. FORSYTH, of Georgia, replied to Mr. RICHARDSON, and entered again into an investigation of the bill, which he opposed with his usual force, not from the just abhorrence he felt at the original corruption of the purchase, because that

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question was laid at rest, but from a conviction of the inexpediency, impolicy, and inadequacy of the bill to the objects contemplated.

Mr. ROBERTSON, of Louisiana, followed in an energetic and able defence of the bill; in the course of which he replied to the gentlemen opposed to him, took a succinct and lucid view of the subject, and enforced and illustrated the various reasons that influenced him in his support of the bill.

Mr. McKIM, of Maryland, stated concisely the reasons which would induce him to vote against the bill; and declared that his opposition arose not so much from his hostility to a compromise as from a want of confidence in the bill, which he deemed insufficient to effect its object, &c.

With a view of adducing certain facts which had come into his possession, and which might possibly shed some light on the subject, Mr. GHOLSON, of Virginia, moved to recommit the bill to a Committee of the whole House.

Mr. ALSTON, of North Carolina, supported this motion, and took occasion to deliver his sentiments in part on the bill, which he opposed.

Mr. LOWNDES, of South Carolina, made a few remarks in reply to an observation of Mr. ALSTON; when the question was taken on the motion to commit the bill, and lost without a division.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 84, nays 76, as follows:

**YEA**—Messrs. Avery, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Champion, Cilley, Clark, Comstock, Cooper, Cox, Culpeper, Davenport, Davis of Massachusetts, Ely, Findley, Fisk of Vermont, Fisk of New York, Gaston, Geddes, Gourdin, Grosvenor, Hanson, Hasbrouck, Howell, Hufty, Irving, Jackson of Rhode Island, Kent of New York, Kershaw, Kilbourn, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Markell, Miller, Moffit, Montgomery, Moseley, Oakley, Parker, Pearson, Pickering, Pitkin, Post, Potter, John Reed, Wm. Reed, Rich, Richardson, Ridgely, Robertson, Ruggles, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Sturges, Taggart, Tallmadge, Taylor, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wood, Wright, and Yancey.

**YEAS**—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bowen, Brown, Burwell, Caldwell, Calhoun, Condict, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Earle, Eppes, Evans, Farrow, Forsyth, Franklin, Gholson, Goodwyn, Griffin, Grundy, Hall, Harris, Hawes, Humphreys, Hungerford, Ingersoll, Ingham, Irwin, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kent of Maryland, Kerr, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Ringgold, Roane, Sage, Seybert, Sharp, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Telfair, Troup, Udree, Whitehill, and Wilson of Pennsylvania.

And the House adjourned.

MONDAY, March 28.

Mr. WEBSTER, from the committee to whom was referred the petition of sundry inhabitants of Portsmouth, in New Hampshire, reported a bill to provide, during the continuance of the present embargo, for the transportation of lime, by water, from Thomastown and Camden, in the District of Maine, to Portsmouth, in New Hampshire; which was read twice, and committed to a Committee of the Whole.

The bill from the Senate, for the relief of David Porter, and his officers, "and his crews," was read twice, and committed to a Committee of the Whole.

The bill from the Senate, "authorizing the President of the United States to exchange a certain parcel of land in the city of New York for other lands in the same city, or its vicinity," was read twice, and ordered to be read the third time to-day. The bill was accordingly read the third time, and passed.

A message from the Senate informed the House that they have passed the bill "for the relief of Edwin T. Satterwhite, late purser of the United States' brig Hornet," with amendments, in which they ask the concurrence of this House. The amendments were read, and concurred in by the House.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of Joseph Brevard;" also, a bill authorizing the purchase of a library for the use of the Judges of the Supreme Court of the United States;" in which bills they ask the concurrence of this House. The first mentioned bill was read twice, and referred to the Committee on Pensions and Revolutionary Claims. The last mentioned bill was read twice, and committed to a Committee of the Whole.

## MILITIA LAWS.

The House resolved itself into a Committee of the Whole, on the bill to amend the militia laws, which was read through, and its various provisions were explained by Mr. TAYLOR, of New York, the chairman of the committee who reported it.

On motion of Mr. TAYLOR an amendment was adopted by the Committee—fifty-four votes to forty—going to exempt from militia duty the Clerks to Congress and to the several departments about the seat of Government.

Considerable discussion then took place on an amendment proposed by Mr. JACKSON, of Virginia, to authorize the Government to defray the expenses preparatory to and during the assemblage of militia called out by the General Government—not now provided for by law—in the same manner as is provided for defraying those accruing after their assemblage at the place of rendezvous. The amendment was warmly advocated by Mr. JACKSON, of Virginia, Mr. EPPES, and Mr. NELSON, on the ground that the expenses incident to calling out and marching the militia on the requisition of the proper authority to its place of rendezvous, constituted as just a claim



against the United States as those incurred afterwards. It was said that a construction had been given at the War Department adverse to such claims; that a provision for their allowance had been recommended by the President of the United States, and every principle of justice and policy sanctioned the adoption of the amendment. The chairman of the Militia Committee and others argued that it was impolitic to adopt the amendment; that it would subject the Government to the payment of improper expenditures of money, and that its retrospective operation was inadmissible. The objections urged against that provision in the section which required a payment of the expenses of calling out the militia induced its friends to consent to expunge it, and with that modification, the amendment was adopted by a vote of fifty-four to forty-three. The section, as agreed to, is in the following words:

*And be it further enacted,* That the expenses incurred or to be incurred by marching the militia of any State or Territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, or which shall have been or may be incurred in cases of calls made by the authority of any State or Territory, which shall have been or may be approved by him, shall be adjusted and paid in like manner as the expenses incurred after such rendezvous on the requisition of the President of the United States: *Provided,* That nothing herein contained shall be considered as authorizing any species of expenditure previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after such rendezvous.

Several other amendments were made to the bill, which were reported to the House on the rising of the Committee.

When the first of these amendments came before the House, it was opposed by Messrs. BARNETT and HALL, of Georgia, on the ground that the persons proposed to be exempted were the best paid, best fed, and, perhaps, the ablest men in the District, and, considering these circumstances, ought to be the last exempted. Mr. TAYLOR, on the other hand, supported the amendment, on the ground of the convenience, if not absolute necessity, of such a regulation to the correct management of the affairs of the Government, which must be deranged by the absence of the clerks from the public offices.

Mr. TAYLOR proposed an amendment to the amendment, going to limit the exemption to the ordinary routine of militia duty only.

Messrs. BEALL, of Ohio, and EPPES, of Virginia, and others, opposed exemption in any degree, as well on the principle of equal rights and equal duties, as because such exemption as was now proposed would have a tendency to break up the excellent volunteer companies now existing in this city, &c.

A motion was made by Mr. JACKSON, of Virginia, to strike out the whole section as agreed to in Committee, and the motion prevailed by a large majority. So the House determined to insert in the bill no provision on the subject.

The amendment agreed to in Committee on the motion of Mr. JACKSON, of Virginia, next came under consideration.

Mr. RICH, of Vermont, moved to amend the amendment, by adding to it a provision that the expense proposed to be authorized to be defrayed by the Government, should be limited to that of transportation of baggage of the militia. To this Mr. JACKSON objected, as going to render completely nugatory the main amendment; and much discussion took place on it.

On Mr. RICH withdrawing the amendment, Mr. JACKSON consented to some verbal alterations in the amendment, as reported by the Committee, and the question on the adoption of his amendment was decided in the affirmative by yeas and nays—For the amendment 77, against it 36.

The bill was then ordered to be engrossed, and read a third time to-morrow.

#### TUESDAY, March 29.

Another member, to wit: JOSEPH H. HAWKINS, from Kentucky, appeared, was qualified, and took his seat, in the place of Henry Clay, resigned.

Mr. KENT, from the Committee for the District of Columbia, reported the bill from the Senate, "to authorize two lotteries in Georgetown, District of Columbia," without amendment. The bill was then committed to a Committee of the Whole.

Mr. NEWTON, from the Committee of Commerce and Manufactures, made a report on the petition of the Governors of the New York Hospital; which was read, and the resolution therein contained, was concurred in by the House, as follows:

*Resolved,* That the Secretary of the Treasury be, and he is hereby, required to report to the House of Representatives of the United States of America, at their next session, the annual amount of the fund for the relief of sick and disabled seamen; and, also, whether the same ought to be increased, and the mode best calculated, if there exist a necessity for increasing the same, of effectuating the increase of that fund.

Mr. NEWTON also reported a bill for the relief of Archibald McCall; which was read twice, and committed to a Committee of the Whole.

Mr. EPPES, from the Committee of Ways and Means, reported a bill authorizing the appointment of agents for paying military pensions; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

On motion of Mr. LOWNDES, of South Carolina, the bill continuing the pay of the officers, seamen, and marines in the Navy of the United States, having passed through a Committee of the Whole, was, without objection, ordered to be engrossed and read a third time.

On motion of Mr. EPPES, it was resolved, by a large majority, that a committee be appointed to inquire into the expediency of an earlier meeting of Congress than the stated period, with leave to report by bill or otherwise.

MARCH, 1814.

*Petition of Thomas Owen—Militia Laws.*

H. OF R.

A message from the Senate informed the House that the Senate have passed a bill "to revive and continue in force an act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," in which they ask the concurrence of this House.

#### PETITION OF THOMAS OWEN.

Mr. MOORE, from the committee to whom was referred the petition of Thomas Owen, made a report; which was read, and the resolution therein contained was concurred in by the House. The report is as follows:

That the petitioner states, that he is a manufacturer and mechanic by profession, and a native of Ireland; that he emigrated from that country, and arrived in the State of Maryland, in the year 1804, with a view of becoming a citizen of the United States; that he has ever since resided in that State, and married a woman, a native thereof, by whom he has several children; that, since his arrival in this country, he has devoted much of his time to the erection of several valuable manufactories (in which he is concerned in interest) in Baltimore county, in the State aforesaid; that he has made discoveries in manufacturing hemp and flax, which promise to be advantageous to the nation; that, in consequence of incorrect information relative to the naturalization laws, he was under the impression that they required a residence of eight years in the United States previous to a foreigner being permitted to take any steps towards being naturalized; that, confiding in the information thus received, he never made a declaration of his intention to become a citizen of the United States, as required by law, and in consequence thereof, although he had resided in the State of Maryland nearly eight years previous to the late declaration of war against Great Britain, he is precluded from the benefit of the act of Congress of the 30th July, 1813. Under this statement of his case, (which the committee believe to be correct,) the petitioner wishes a law to be passed to naturalize him. By virtue of the provisions of the act of Congress of the 6th July, 1798, the petitioner "is liable to be apprehended, restrained, secured, and removed, as an alien enemy;" and although Mr. Owen appears to be a man of fair and unsuspected character, yet the committee think it would be impolitic and inexpedient to exempt him from the provisions of the act of the 6th July, 1798, by passing a law for his naturalization. The committee also think there should be very strong circumstances to induce the Legislature, in any case, to pass a special act of naturalization, when there are general laws on the subject. They, therefore, are clearly of opinion, that the prayer of the petitioner, so far as it asks for a special act of naturalization, ought not to be granted.

The petitioner, however, wishes, in case Congress should think it inexpedient to pass an act for his naturalization, that a law may be enacted to authorize a patent to issue to him for the discoveries he has made in the manufacture of hemp and flax. On this point the committee should not hesitate to report favorably, if they were of opinion that there was no provision for the case by existing laws. The act of Congress of the 21st February, 1793, entitled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose," confines, it is true, the benefits of patents to citizens of the United States, and by this law the case of Mr. Owen is not provided

for. But by the act of the 17th April, 1800, entitled "An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees," it is enacted, "that all and singular the rights and privileges given, intended, or provided to citizens of the United States, respecting patents for new inventions, discoveries, and improvements, by the act entitled "An act to promote the progress of useful arts," &c., shall be, and hereby are, extended and given to all aliens who, at the time of petitioning, in the manner prescribed by the said act, shall have resided for two years within the United States, which privileges shall be obtained and enjoyed by such persons in as full and ample manner, and under the same conditions, limitations, and restrictions, as by the said act are provided and directed in the case of citizens of the United States." Under the last mentioned act of Congress, the committee are of opinion that the case of Mr. Owen is provided for, and that he can obtain a patent. They think it altogether unnecessary to pass a special law for this case. They, therefore, submit the following resolution:

*Resolved*, That the petitioner have leave to withdraw his petition.

#### MILITIA LAWS.

The engrossed bill to amend the act providing for calling forth the militia, &c., was read a third time and put on its passage.

Mr. TALLMADGE, of Connecticut, opposed the bill at considerable length, principally on account of the provisions respecting the construction and powers proposed to be given to courts martial, to proceed against accused persons in their absence, certain notice having been given them; to punish persons for contempt of the court by word and gesture; and to compel the attendance of witnesses. These provisions, Mr. T. considered as not according with the principles of the Constitution, and possibly as hazarding the existence of civil liberty.

Mr. TAYLOR, of New York, defended the bill, which he, as chairman of the militia committee, had introduced against Mr. TALLMADGE's objections. His object was to prevent the requisitions of militia by the President from being disregarded by the Governors of States, or rendered inefficient by the contumacy of subordinate officers or privates. For this purpose the provisions embraced in the bill were necessary, and were no more than had been adopted during the Administration of General WASHINGTON. Different opinions had been entertained as to the jurisdiction of courts martial, which ought to be conclusively settled—and such was the object of this bill. As to the objection to the powers proposed to be conferred on militia courts martial, their abuse need not be feared, as the courts would always be composed of militia officers.

Mr. WRIGHT, of Maryland, expressed himself decidedly in favor of such provisions of this bill as went to fortify the power of the Government over the militia, but opposed to the authorization of compulsory process on witnesses to attend courts martial, whose powers ought to be con-

H. OF R.

*Sea Fencibles—Injuries by War.*

MARCH, 1814.

fined to the limits of the camp. To amend the bill in this respect, Mr. W. moved to recommit it to a Committee of the Whole.

Mr. PITKIN, of Connecticut, and Mr. WEBSTER, of New Hampshire, also opposed the bill on account of the extraordinary powers with which it proposed to clothe courts martial; and Mr. TAYLOR replied.

On the vote, there were for recommitment 50, against it 66.

Mr. TALLMADGE again objected to the provision which went to authorize the President (immediately) to cause courts martial to be instituted for the trial of persons, &c.

Mr. BRIGHAM, of Massachusetts, moved that the bill be indefinitely postponed.

Mr. GASTON, of North Carolina, avowing himself to be unprepared to vote decisively on the bill moved that it lie on the table.—This motion was negatived, yeas 52.

The question on indefinite postponement was then decided in the negative by yeas and nays—For indefinite postponement 46, against it 89.

Mr. GASTON then stated sundry objections to the bill, principally in matters of detail; to which Mr. TAYLOR replied.

The question on the passage of the bill was then decided in the affirmative—yeas 88, nays 53, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Burwell, Butler, Caldwell, Calhoun, Chappell, Clark, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Eppes, Evans, Farrow, Findley, Forney, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hungerford, Ingersoll, Ingham, Jackson of Virginia, Johnson of Kentucky, Kennedy, Kerr, Kershaw, Kilbourn, King of North Carolina, Lowndes, Lyle, McKim, McLean, Montgomery, Murfree, Nelson, Newton, Parker, Pickens, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Roane, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Stanford, Strong, Tannehill, Taylor, Telfair, Udree, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

NAYS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Ely, Gaston, Geddes, Grosvenor, Hale, Howell, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Moffitt, Moore, Oakley, Pearson, Pickering, Pitkin, Post, Potter, John Reed, William Reed, Ruggles, Sheffey, Sherwood, Smith of New Hampshire, Smith of New York, Sturges, Tallmadge, Thompson, Vose, Ward, of Massachusetts, Webster, Wheaton, White, Wilcox, and Wilson of Massachusetts.

WEDNESDAY, March 30.

The SPEAKER presented a petition of Thomas Claxton, the Doorkeeper to the House, praying to be allowed an additional assistant for the purpose of attending to the post office business of the House.—Referred to Mr. GRUNDY, Mr. PICKENS, and Mr. SHERWOOD.

Mr. NEWTON, from the Committee of Commerce and Manufactures, made a report on the resolution instructing an inquiry to be made into the expediency of establishing a hospital in the Choctaw nation of Indians; which was read, and the resolution therein contained was concurred in by the House, as follows:

*Resolved*, That they be discharged from the further consideration of the above mentioned resolution.

Mr. INGHAM reported a bill from the Senate "for the relief of Joseph Brevard," without amendment; which was committed to a Committee of the Whole.

The bill from the Senate "to revive and continue in force an act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," was twice read and committed.

The engrossed bill authorizing the appointing of agents for paying military pensions, was read the third time and passed.

The engrossed bill "concerning the pay of the officers, seamen, and marines, of the Navy of the United States," was also read a third time and passed.

The bill granting to the President and Directors of the New Orleans Navigation Company and their successors a lot of ground, passed through a Committee of the Whole, and, after explanation of its object by Mr. ROBERTSON, of Louisiana, was ordered to be engrossed for a third reading.

#### SEA FENCIBLES.

Mr. WRIGHT, of Maryland, offered the following resolution, after an explanatory remark on the propriety of connecting the corps of fencibles with the flotillas:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of placing the sea fencibles under the command of the commander of the flotillas with whom they are intended to co-operate; and to report by bill or otherwise.

Mr. WILSON, of Massachusetts, questioned the propriety of passing any law directing the application of a particular description of force, which, once raised, is exclusively under the control of the Executive, &c.

Mr. WRIGHT replied that he believed it to have been the intention of Congress in authorizing corps of sea fencibles to be raised, to connect them with the flotilla service, and of course to place them under the control of the Naval Department. By the construction which had been given to the law, however, they have been disconnected from that service, and placed under the direction of the Secretary of War.

In the absence of Mr. TROUP, of Georgia, (the Chairman of the Military Committee) the motion was, on the suggestion of Mr. LOWNDES, of South Carolina, ordered to lie on the table.

#### INJURIES BY WAR.

The House resumed the consideration of the bill to make compensation to individuals for private property captured or destroyed by the enemy while in the service of the United States.

APRIL, 1814.

*Proceedings.*

H. OF R.

The discussion of this bill occupied the remainder of this day's sitting, and turned principally on amendments to the bill. There were, however, some gentlemen opposed to the bill.

Mr. FISK, of New York, moved to postpone the further consideration of the bill indefinitely, and spoke in favor of the motion more than once, as also did Mr. KING, of Massachusetts. The principal objection was, the difficulty of properly restricting a bill, under whose provisions many improper and unjust claims would unquestionably be admitted. Mr. KING, however, added another objection, viz: that the passage of such a bill might be considered as sanctioning all the impressments of private property at the will or caprice of every subordinate and non-commissioned officer. The indefinite postponement was opposed in a warm and decided manner by Messrs. ARCHER, of Maryland, FARROW, of South Carolina, JOHNSON, of Kentucky, GROSVENOR, of New York, TELFAIR, of Georgia, and DUVAL, of Kentucky, on the ground of principle and expediency.

Mr. FISK afterwards withdrew his motion for indefinite postponement, and moved to recommit the bill to a Committee of the Whole—negatived.

Mr. F. then moved to strike out the third section of the bill (which proposed to allow compensation to the owners of houses occupied as public storehouses for any damage they might sustain while so occupied;) but withdrew the motion to allow Mr. YANCEY, of North Carolina, to move an amendment to the third section, restricting the compensation for damages to cases in which the houses should have been so occupied without the consent of their owners. This motion was opposed by Messrs. ARCHER and GROSVENOR, and supported by Messrs. YANCEY, and INGHAM, of Pennsylvania, but negatived by a considerable majority.

Mr. JACKSON, of Virginia, then moved to amend the third section so as to include houses occupied as barracks for troops, as well as those occupied as storehouses. This motion was opposed by Mr. ARCHER, and supported by Mr. JACKSON.

Mr. FISK, of New York, then renewed his motion to strike out the third section; which, after debate, was negatived—yeas 34.

Mr. JACKSON, of Virginia, then withdrew the motion he had made, because he had understood the War Department had uniformly decided in favor of the claims it embraced when well authenticated, and an inconsiderate decision against his amendment by this House might prevent them from so doing in future.

The bill was then further amended and ordered to be engrossed for a third reading.

THURSDAY, March 31.

Mr. NEWTON, of Virginia, from the Committee of Commerce and Manufactures, made an unfavorable report on the petitions of sundry citizens of Virginia, Massachusetts, &c., praying the establishment of additional ports of entry; which was read and ordered to lie on the table.

A message from the Senate informed the House

that the Senate have passed the bill "for the relief of Daniel Macauley and Samuel Ralston," with an amendment. They have also passed the bill "to fix the compensation of the Clerks in the office of the Secretary of the Senate and Clerk of the House of Representatives;" in which amendment and bill they ask the concurrence of this House.

Mr. KENT, of Maryland, from the Committee on the District of Columbia, reported a bill for incorporating the Columbian Manufacturing Company in the town of Alexandria in this District; which was twice read and committed.

Mr. EPPES, of Virginia, from the Committee of Ways and Means, reported a bill laying duties on spirits distilled within the United States, which was twice read and committed.

The engrossed bill granting to the President and Directors of the New Orleans Manufacturing Company a certain lot of ground, was read the third time and passed.

The bill making compensation to individuals for private property captured or destroyed by the enemy while in the service of the United States, was read the third time.

Mr. FISK, of New York, moved that the bill be laid on the table, with a view that it might receive such amendments, as it appeared to him were essentially necessary.

A short debate ensued on this motion, which embraced nearly the same points as were brought into debate on the preceding days, and which have been already substantially reported. Messrs. DESHA and MILLER opposed the motion, and Messrs. FISK of New York and FISK of Vermont supported it, and it was finally carried—yeas 82.

A Message was received from the President of the United States recommending the expediency of authorizing exportations, specie excepted, from the United States, and a repeal of so much of our laws as prohibits the importation of articles not the property of enemies, &c.—Referred to the Committee on Foreign Relations.

The House resolved itself into a Committee of the Whole, on the bill concerning invalid pensioners. Various motions were made to amend the bill, by inserting amongst the pensioners the names of petitioners not reported in the bill by the Committee on Pensions; and also to amend the bill so as to alter the mode of authenticating a claim to a pension, which was carried. After considerable discussion on these propositions, the Committee rose and reported the bill and amendments. The amendments of the Committee of the Whole were concurred in, but before the House got through the consideration of the bill, a motion was made to adjourn and carried.

FRIDAY, April 1.

Immediately after the opening of this day's sitting—

Mr. EPPES, of Virginia, rose to announce the death of the Honorable JOHN DAWSON, a Representative from Virginia, who had filled various public stations, for many years of his life, in which

he had been honored with the confidence of the people.

On motion of Mr. MACON, of North Carolina, the House resolved to attend his funeral at three o'clock to-day; and also to wear crape on the left arm for thirty days.

Messrs. EPPES, of Virginia, GHOLSON, GOODWYN, JACKSON, of Virginia, BRECKENRIDGE, and LEWIS, were appointed a committee to superintend the funeral.

#### SATURDAY, April 2.

The bill from the Senate, "to fix the compensations of the Clerks employed in the offices of the Secretary of the Senate, and Clerk of the House of Representatives," was twice read and committed to a Committee of the Whole.

The amendment of the Senate to the bill "for the relief of Daniel Macauley and Samuel Ralston," was read, and concurred in by the House.

On motion of Mr. TROUP, the Committee of the whole House were discharged from the consideration of the bill to amend "An act to authorize a corps of sea fencibles," and the bill was postponed indefinitely.

The bills authorizing a subscription to an edition to the laws of the United States, and providing for the distribution of the same; and for the relief of George Shannon, respectively passed through Committees of the Whole, and were ordered to a third reading.

#### INTERNAL IMPROVEMENTS.

Mr. WILSON, of Pennsylvania, submitted the following resolutions:

*Resolved*, That the Committee on Military Affairs be requested to inquire into the expediency of a provision by law for opening or improving such military routes by land and inland navigation as the President of the United States may find necessary to the operations of the war the present year.

*Resolved*, That a select committee be appointed to inquire into the expediency of a provision by law for the progressive improvement of the routes of communication by land and inland navigation throughout the United States and the Territories thereof, upon the principles and general plan contained in a report by Albert Gallatin, late Secretary of the Treasury, made in the year 1808, in pursuance of a resolution of the Senate, passed in 1807; to be carried into effect as soon as may be practicable and expedient after the termination of the war in which the United States are now engaged.

Mr. WILSON spoke in support of his resolutions as follows: On the first resolution, I am aware of an objection which, in the outset, may present itself, namely: that its object being professedly of a military character, if important to our military operations, it is to be presumed the military department would have been aware of it, and embraced it in its communications to Congress. On a little reflection, however, this objection disappears. The magnitude, variety, and multiplicity of subjects, necessarily engaging the Secretary of War, must render it impossible for him to embrace at once every possible object connected

with the whole economy of the military arrangements and expenditure; and this being an object somewhat abstracted from the ordinary round of immediate duties, which devolve exclusively on the department, may be very reasonably supposed to have received but a minor share of attention, and especially so when it is considered that the present Secretary has been but a short time at the head of the department, that the vast augmentation of the military department, the change from a state of peace and a peace establishment, to a state of war and war measures, are necessarily attended with the daily occurrence of new and difficult cases, and generally with an accumulation of business which renders his deliberate attention to any abstract subject, not forming a part of the immediate and exclusive duties of the department, extremely difficult and impracticable. The object contemplated in this resolution is rather connected with the economy of expenditure generally in the operations of the war, than with the exclusive duties of the War Department. That department is not necessarily more responsible for this than any other department, whilst there seems to be a propriety in its reference to the Military Committee in preference to any other, as being more conversant with the channels of information to be derived from the military department, and in the daily practice of receiving it, which must be supposed to afford a facility in their inquiries which another committee might not so conveniently possess. But the subject in itself is one, as I conceive, requiring legislation in its origin. This objection then, I trust, will not be entertained, but that this House will consider the subject as requiring their consideration and attention.

I shall therefore endeavor very briefly to give such a view as in my opinion strongly recommends the proposed inquiry and the measure contemplated in the resolution. I shall attempt to show from facts and circumstances now of notoriety, as well as from well-known principles, that an improvement of the military routes, especially in the United States, is necessary at once to the efficiency of the military operations and to the fiscal concerns of the Government; that those contemplated in the resolution are practicable at a trifling expense and a short space of time.

When we consider the extent of our territory compared with our population, and that our movements are necessarily by land opposed to an enemy at sea, it becomes obvious, it becomes self-evident, that every practicable degree of facility in our movements is necessary in order to produce an effect duly correspondent with our physical force; this all will admit. Our experience in the present war has amply illustrated this principle. Our movements have been generally but partially successful, everywhere uncertain, everywhere tedious, and enormously expensive. The campaign under General Hull, and that under Generals Harrison and Smyth, and the more brilliant campaign in the South, sufficiently demonstrate that the difficulty or impracticability

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*Internal Improvements.*

H. OF R.

of the military routes was one of the most effectual causes of the protracted continuance, and the indecisive effects, and the destructive expenses of each of these campaigns. To these cases the inquiries of the committee would doubtless be directed for any details of facts which they may deem requisite to establish this position, but I can hardly suppose much inquiry in detail necessary to the end. I am inclined to believe that every gentleman is sufficiently convinced of the truth; if so, it would be necessary only to inquire whether the evil can be remedied by such improvement on the military routes as may be conveniently effected in a short space of time.

After a brief general view, I propose to give one instance to serve as an epitome of what in my opinion may be done.

The main connecting military routes are few and well known. They may be considered seven; four of which, however, require no improvement, or none within the view of this resolution. These four are, that on the Lakes and St. Lawrence, that from the head of the Ohio to the mouth of the Mississippi by water, one from the same point near the Seat of Government to the head of the Ohio at Pittsburg, and that between and through the State of Tennessee and the Mississippi Territory. Of these four, the last only requires improvement, but this does not enter into the view of the resolution, because whatever improvements may be required on the route or routes in the country of our Indian enemy must be effected chiefly, if not wholly, by the troops. The three remaining routes are highly important, and evidently do require improvement. To perceive this necessity requires no military knowledge, no documentary evidence. I shall notice, first, that along the Atlantic coast, some points on which it is well known are frequently very difficult and sometimes impracticable. I need not go further for an instance of this than the road between this city and Baltimore. At all times this road is bad, and frequently not practicable for empty stages, much less for loaded wagons. Now, it would doubtless be better to pave this road the whole distance than to have that communication difficult or impracticable in case of a descent by the enemy upon our coast in the vicinity of either, or alternately at both its extremes. But a pavement is far from being necessary. If some points on this road were well selected, in all not more than three or four miles of the worst parts, and paved, and the rest ploughed and well thrown up, it would be generally an excellent road, and never impracticable. I might instance some other points on this route, however, probably still more important, but have adverted to this merely because it must be well known perhaps to every gentleman in this House. If there are other points more important, or where the present route is still worse than this, then such point ought to be first selected for improvement; and if all cannot be improved, do not let that prevent the improvement of any; if one only could be improved, it would be so far an advantage: and if even one or two of these points of the route could not be rendered perma-

nently good, do not let that consideration prevent their being much better than they now are.

The second of these then, is that between the North river and Lake Champlain, a route, unquestionably of incalculable importance; one upon which every possible facility of transportation for troops and stores is indispensable to the due effect of such of our armaments as may be destined to act upon the two correspondent points, New York and Montreal—on the two great maritime exposures of the United States—the only practicable route for military purposes, at present, between those two frontiers. I am well informed that a part of the land route, and a small part only, between the North river and Lake Champlain, is in an extremely bad state; if so, and an improvement for a moderate expense is practicable, it certainly ought to be made. I believe such an improvement would be found, on inquiry, at once necessary and practicable.

The third, and last I shall notice, is one of which I am enabled to speak with some confidence and precision, from long observation, experience, and inquiry. This is a route between the Ohio and Lake Erie. There are several routes between these waters, capable of improvement, so as to afford a commodious water communication, with the exception of a short portage on each. One, however, ought to be selected for the present occasion, and, in making the selection, the best rule for determining the preference is, to select the one which, on examination, shall be found to unite the greatest number of advantages, but, especially, the one capable of being improved so as to afford an uninterrupted navigation at the least expense, and in the shortest time. Such is the route by the Alleghany river and French creek; besides this, it connects the most important point, perhaps, at this time, on the Ohio, Pittsburg, with the most commodious harbor on the Lakes, &c. The importance of improving some route between these waters is recommended by most obvious considerations. It is absolutely necessary to the practicable co-operation of one important, extensive, and populous section of the United States in the war. The States of Kentucky, Ohio, the western parts of Virginia, and Pennsylvania, without some such improvement, are, in effect, cut off, with all their valuable and inexhaustible resources, from all efficient co-operation in the present war, unless it should again be carried to their vicinities, as heretofore. The transportation on this water route, in its present state, for a month or six weeks in the Spring, can be done for one dollar and a half per cwt. In June, French creek becomes low, which not only obstructs its own navigation, but that of the Alleghany river, also, and the land transportation can seldom be done for less than five, and sometimes is as high as seven dollars per cwt. on any route; such transportation is, moreover, always uncertain, the routes being all influenced by every material change of weather, and in wet weather impracticable. Not only, therefore, the fourfold rate of transportation is to be considered, but the total want of certainty in every movement.



This creek, sir, can be improved so as to afford a navigation uninterrupted at all seasons, the Winter excepted, for the sum of ten, at the utmost, twelve thousand dollars, and may be accomplished in three or four weeks time. I speak, sir, from experience, observation, and information from practical men; not, perhaps the most learned engineers, but tradesmen, perhaps still more competent judges on this subject; men who have been long practised in building, and who have been owners of mills and milldams. I am informed from those sources, sir, as well as by my own observation, that a dam well made of wood will stand for eight or ten years, or longer. The construction of this material is cheap, and can be effected in a shorter time, in proportion to the amount of expense, than of stone, for an obvious reason—nearly every man in the country is a workman at wood work of this description; every man can chop, haul timber, and bore; most, or a sufficient proportion, can hew and frame. The material is abundant, and almost on the spot. The plank for the dams, only, requires transportation, and that quite convenient. Saw-mills abound. About forty thousand, or forty-five thousand feet of one and a half inch plank is sufficient for six dams, one hundred yards long, and five feet high, with a lock to each; and six dams would be sufficient. This quantity of plank, if ordered in this month, would be all delivered at any port on French creek, by the middle of next month. If workmen were seasonably employed in this month, by the middle of next, all the timber might be got out, and to the spot, framed, and ready to erect into the dams, as soon as the water shall have fallen low enough.

Sir, I am as confident of the practicability of this improvement as I am of anything which is not actually done, or which I could not, perhaps, perform with my own hands. I am as well convinced of it as I am that a mill can be built, that a field can be cleared from the forest, that a well can be dug; and of the effect I am as well satisfied as I am that a mill will produce flour from wheat, that a field may produce a crop, or a well water. The completion of this relatively small and practicable work, would remove every obstruction which now impedes the communication between the Ohio and the Lakes, and, consequently that between one great section of the United States and the seat of war in the North.

The gentleman from Georgia (Mr. TROUP) having made some observations, merely to correct his misapprehensions of the subject, which requires little more than a repetition of the foregoing observations—I had never for a moment entertained an idea that the committee had omitted to report through disrespect for the mover of the resolution; for, if there was disrespect, it was a disrespect for the House, and not me; the resolution not being mine, but of the House, after it was once adopted. Neither had I ever entertained for one moment such an idea as this. The only way in which I accounted for the omission to report upon the former resolution was, that he subject could not have been understood in its

real character and tendency, nor did I ever entertain the slightest reflection on the chairman, or any other gentleman of the committee, on this score. But, I confess, I have seen no good cause for the gentleman's opposition at this time, having previously presented the resolutions for his inspection, and adopted an amendment, which he said would remove all the objections he saw to the resolution proposed to be referred to the Military Committee, and in that form altered on his suggestion. They were now presented, and his approbation expected, because he had assured me that he saw no objection. Even this, however, I claim no right to insist upon; but I must, nevertheless, entertain a different opinion from that which the gentleman has just expressed with respect to the second resolution. I have but a few observations to offer at this time. One objection in offering it in company with the first, is, legibly to draw the distinction between them, which is this: that as the expediency and practicability of the latter are altogether predicated on a state of peace, and, therefore, the work ought to be laid aside until after the war; so the necessity for the former, being predicated on an actual state of war, and of war with Great Britain, the work contemplated ought to be entered upon with promptitude, as an efficient and indispensable war measure. As to the merits of the object contemplated in the second resolution, after the mass of luminous information already published on the subject; after the repeated examination it has received in Congress and in different States; after the concurrent official reports which have been made, and especially the one by the late Secretary of the Treasury, in 1808; after having exerted his unrivalled talents, for near a year, in collecting, condensing, and arranging the materials, any observation of mine would seem arrogant as well as superfluous. I will, therefore, call to the recollection of this House a few of the principles of that report which experience has illustrated and established, especially since the commencement of the present war. These principles, adverted to at this time, in connexion with the confirmation they derive from facts and experience, demonstrate beyond all controversy that this great, this sublime, and well digested project of improvement, had it been actually commenced seven years ago, would have been one of the most effectual and salutary preparations for a state of war which can be made in the times of peace. And as a time of peace is best of all seasons adapted for most of the preparations for war—as the Summer is the season to provide for the Winter—so, on the other hand, there may be some preparations for a state of peace practicable in time of war. Amongst these, it appears to me a provision by law embracing the object of this second resolution is undoubtedly one as well for the purpose of laying the work aside for the present, as to insure its accomplishment by means the most suitable and salutary when it shall be commenced. A better direction can scarcely be given to the surplus labor, which for a time must be set afloat in a change from war to peace; for,

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as a state of war in this country must enhance the price of labor, by an unusual and undue increase of the demand for men, so on the return of peace, it must, in a correspondent degree, be depressed by a correspondent diminution of demand. I shall add no further observation or remark on this resolution at present; only this, that I have no desire to be further conspicuous on the occasion, whilst I shall never evade nor shrink from the discharge of any duty. I take this opportunity to declare that I shall cheerfully give way to any gentleman who may have it in view to offer either the same resolution or one having the same object in view as my own.

Mr. TROUP said, the subject had been referred to the Military Committee at the commencement of the session, but they had not reported on it; not from a want of respect for the subject, but from the multiplicity of business referred to the committee. They had likewise consulted the Secretary of War, as to the improvement of certain routes just mentioned by Mr. WILLOW, but he did not believe such an undertaking was now absolutely necessary, and it was thought the money might be more eligibly employed, &c.

The question was then taken, at the instance of the mover, on the first resolution, and lost.

The second resolution was, on motion of Mr. ARCHER, laid on the table.

Mr. WEBSTER, of New Hampshire, moved that the House now resolve itself into a Committee of the Whole on the report of the Secretary of State, made at the last session, on the repeal of the Berlin and Milan decrees.

The question on Mr. W.'s motion was decided in the negative—yeas 37, nays 75, as follows:

**YEAS**—Messrs. Boyd, Breckenridge, Brigham, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Earle, Ely, Geddes, Grosvenor, Hale, Hanson, Hungerford, Lewis, Lovett, Markell, Miller, Moseley, Pearson, Pickering, Pitkin, William Reed, Rhea of Tennessee, Ruggles, Shipherd, Smith of New York, Stuart, Thompson, Vose, Ward of Massachusetts, Webster, Wheaton, White, and Wilcox.

**NAYS**—Messrs. Alexander, Alston, Archer, Bard, Barnett, Beall, Bowen, Bradley, Brown, Butler, Caldwell, Clark, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Denoyelles, Desha, Duvall, Evans, Farrow, Findley, Fisk of New York, Forney, Forsyth, Gholson, Goodwyn, Griffin, Hasbrouck, Hawes, Hawkins, Ingham, Irving, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Lowndes, Lyle, Macon, McKim, Nelson, Newton, Ormsby, Pickens, Piper, Pleasants, Potter, Rea of Pennsylvania, Rich, Robertson, Sevier, Seybert, Skinner, Smith of Pennsylvania, Smith of Virginia, Stanford, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

So the House refused to take the subject now into consideration.

#### NATIONAL BANK.

Mr. GRUNDY, of Tennessee, submitted the following resolution for consideration:

*Resolved*, That a committee be appointed to inquire into the expediency of establishing a National Bank; and that they have leave to report by bill or otherwise.

Mr. NEWTON, of Virginia, moved that the resolution be postponed indefinitely. He said that, by this motion, he meant not the slightest disrespect to the mover of the resolution; but feeling, as he did, a firm conviction that the Constitution had not given to Congress the power to establish such an institution, the correctness of which opinion had been tried and settled by a former Congress, he could not consent to the adoption of the present resolution. Besides, said Mr. N., the session is now drawing to a close, the day of adjournment has been fixed by a vote of this House and the mind of every member is anxiously directed to the moment which is to restore him to his family and home. The time is now too short for the consideration of so important a subject; and for this, as well as the intrinsic objections he had to the object of the resolution, he hoped his motion to postpone it indefinitely would prevail.

Mr. GRUNDY said, he trusted the motion to postpone would not succeed. He believed there was time enough left for the consideration of the subject, and if the House would bring itself to discuss it, all Constitutional difficulties, he was persuaded, would be removed. The gentleman from Virginia, by his motion to postpone, would bring the subject at once before the House; but it would be much better to refer the inquiry to a committee, let them investigate the question thoroughly, and report the result to the House, and they would then be enabled to act understandingly. Besides, said Mr. G., the gentleman has opposed the resolution without knowing what kind of a bank is contemplated, or upon what principles, or in what manner it is to be established. Let the matter be referred to a committee; it will then come regularly before the House, and every member will know how to act.

Mr. GROSVENOR, of New York, said, he had always believed it improper for the General Government to legislate in erecting banks, except so far as to accomplish national objects, facilitating the collection of the revenue, &c. As to these objects, however, it was the Constitutional duty of the Secretary of the Treasury to devise the ways and means, and if such an institution were necessary for the purposes of Government, it was the duty of that officer to recommend it. He wished the Secretary to say whether such a bank was necessary, and not that the subject should be referred to a committee of this House, and they to inquire privately of the Secretary as to the expediency of the measure. When the proposition came in at the proper Constitutional door, and appeared to be necessary for the financial purposes of the Government, he should not object to it. If such a necessity exists, he wished the Government to come forward and declare it, and not shrink from the responsibility of recommending the measure.

Mr. FINDLEY, of Pennsylvania, made a few remarks, not distinctly heard. He was understood to say, the erection of a bank was not so desira-

ble on account of the Government as for the general convenience of the country.

Mr. OAKLEY, of New York, made a number of forcible remarks against the indefinite postponement. He said he did not believe it was so exclusively the duty of the Executive Department to recommend the establishment of a National Bank, even if required by the finances of the Government, as his colleague (Mr. GROSVENOR) seemed to think. He had no doubt that a National Bank was indispensable in the proper management of the fiscal affairs of Government; but, independent of this consideration, he believed it was necessary to the general convenience of the community; and should a plan for such an institution be brought forward in a shape that he approved, he should certainly give it his support. Supposing, however, that it was the duty of the Secretary of the Treasury to recommend a National Bank, and that he should be unwilling to assume the responsibility; such conduct would doubtless be reprehensible, but would that be a good reason why Congress should decline to establish an institution that would alike benefit the Government and promote the general good? Mr. O. said, that although the proposition did not "come in at the proper door," still it was no reason the House should refuse to act on it. Whether this be a proper mode of establishing a National Bank, is properly to be decided when the question comes before us in a regular form. The question now turns only on our belief as to the expediency of such a bank, and, if expedient, of the fitness of the time, &c., of incorporating such an institution. He was, therefore, clearly of opinion, on general principles, that the motion for an indefinite postponement ought not to prevail. The question of a National Bank, he added, must be connected, from the very nature of the institution, with the finances of the Government. But, though he should be as loth as any one to volunteer his aid to the Administration in support of the war, yet he was not to be deterred by the fear of incidentally doing so, from doing what he believed to be of itself right and proper. It is our duty, said he, to legislate for a settled state of things. A National Bank is necessary, in my judgment, to the permanent interest of the country, and therefore I am, and shall be, in favor of it, if the details of the bill establishing it shall be such as to meet my approbation.

Mr. WRIGHT, of Maryland, said, he had heretofore voted a National Bank unconstitutional; he was then satisfied it was so, and he believed that to be the opinion of a great portion, if not a majority of the people. If so, why take up the time of the House, and consume two or three weeks in discussing a question which may be determined at this moment? He could not consent to spend the precious time of the House to no purpose, and being satisfied that no National Bank could be passed through this House, he should vote for the indefinite postponement of the motion.

Mr. WEBSTER, of New Hampshire, said, this was a subject of great importance, and required

mature consideration. The hour of adjournment having arrived, he moved that the House do now adjourn.—Negatived, 69 to 67.

Mr. NEWTON repeated, he had moved the indefinite postponement, assuredly not from any disrespect to the mover of the resolution, but on this ground: The time rapidly approached at which this House had resolved to adjourn; but nine days remained of the session, if the determination of this House in that respect received the sanction of the Senate, and, after so long a sitting, every member must turn his eyes with pleasure to that moment. The subject of a National Bank was one which had been discussed in the House before, and in private circles, over and over; and he had not the least doubt but every gentleman who heard him had made up his mind on the subject, and that a year's discussion would not change it. He therefore thought it would be best in the first instance to ascertain whether a majority was or was not prepared to vote for such a measure.

Mr. GRUNDY then said, that he certainly should never have brought forward this proposition without having reflected much on it. He knew that it had been agitated in this House, and in the nation heretofore, and had been much opposed by many of those politicians with whom he usually acted in this House; but he did not believe that each Congress was so bound by the decisions of that which preceded it, that it was a good argument against a measure for members of a former Congress to come in and say, "we have decided it heretofore." As a Representative, Mr. G. said, he claimed the right to give at least one vote on this subject as well as the gentleman from Virginia. The spirit of our Constitution had wisely ordained the frequency of elections, for the very purpose of undoing what had been wrongly done by their predecessors, and of doing that which had been left undone. If the gentleman from Virginia would reflect on this subject as much as others who had been instrumental in bringing forward the proposition, he was sure he would not be so confident that he acted correctly in refusing a deliberate consideration to it. I, said Mr. G., have no secret on this subject; I wish to see a bank established as a national object, let who will be in power; as a general measure, I wish to see it adopted. Look at the situation of our country—and I say the gentleman should forget his home, and not leave his country in peril. You have authorized a loan for twenty-five millions, and have provided for the expenditure of so much money. Where is the money? Some well informed men say there will be no difficulty in obtaining it; others, as well informed, say that the attempt to obtain it may not be successful. I hope that gentlemen of the former description are correct. I know not what the prospect is; but one thing I do know—I would run no hazard on this point; and for one, though I have as much anxiety to be at home as any one, I am willing to sit a few days longer to see how it will be. The gentleman from Virginia, no doubt, felt the same anxiety for the public service; and

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Mr. G. said, if his Constitutional scruples were so great that he could not vote for this measure, in case the money should not be conveniently obtained it might be necessary to resort to some other. For general considerations, Mr. G. said, he had always been in favor of a measure of this sort, and entertained no Constitutional scruples about it. In point of time he thought the present situation of the country afforded a cogent argument in favor of the measure.

Mr. GASTON, of North Carolina, expressed his entire disapprobation of the indirect introduction of Executive recommendations into the House, as producing legislation without intelligence, and action without responsibility, &c. If, therefore, the vote on this question were to test his approbation of this indirect mode of attaining a measure supposed to be in favor of the Executive, he should certainly be inclined to vote against it. But, when a proposition was made by any member of this House, which recommended itself to his best judgment, on which he felt no Constitutional scruples, and which he believed to be at all times expedient, he could not give a direct vote against it, merely because the Executive, if wishing its adoption, had not recommended it as openly as could have been wished. That it is expedient to establish a National Bank, he had no doubt, and he congratulated the House that at the moment when gentlemen on his side of the House found some of their wishes about to be gratified by the abolition of the restrictive system, the Constitutional scruples which had cramped the operations of the Government, were vanishing also; that at the moment when they were about to liberate commerce, the fetters would also be loosed with which a narrow Constitutional exposition had heretofore bound the Government. He should have been much more pleased, he said, if the measure had been directly recommended by the Executive, by an intimation that its adoption would conduce to a successful management of our finances; but merely for the reason that it had not come before the House in that manner he could not vote against a proposition which on general grounds met his approbation.

Mr. NEWTON spoke in explanation. He was as ready as the gentleman from Tennessee to yield not only his time but his personal service to his country; and had he but a dollar in the world, would freely lend it to contribute to the support of the Government in a righteous war. But this question could be decided as intelligently in a day as in a month; and, if a majority was opposed to it, it was not advisable to consume time unnecessarily upon it. Under this impression he had made the motion for indefinite postponement, to ascertain the sense of the House on this point.

A motion was now made to adjourn, and carried by three or four votes.

MONDAY, April 4.

A message from the Senate informed the House that the Senate have passed a bill "making Eliza-

beth City the port of entry for the district of Camden, in the State of North Carolina;" in which they ask the concurrence of this House.

On motion of Mr. TROUP, the bill making provision for the pay of two companies of rangers, organized for the defence of the frontier of the United States, was postponed indefinitely.

The House resumed the consideration of the engrossed bill "authorizing the payment for property captured or destroyed, while in the public service, by the enemy of the United States."

And the question recurred, Shall the bill pass? And, on motion of Mr. TAYLOR, the further consideration of the said bill was postponed until tomorrow.

The bill from the Senate, "making Elizabeth City the port of entry and delivery for the district of Camden, in North Carolina," was read twice and ordered to be read a third time. The bill was accordingly read the third time and passed.

The engrossed bill authorizing a subscription to an edition of the laws of the United States, and providing for their distribution; and the engrossed bill for the relief of George Shannon, were read a third time and passed.

The House resumed the consideration of the bill concerning invalid pensioners, which was ordered to be engrossed for a third reading.

#### REPEAL OF THE EMBARGO.

The unfinished business being postponed with that view—

Mr. CALHOUN, from the Committee of Foreign Relations, to whom was referred the Message of the President of Thursday last, made the following report:

The Committee of Foreign Relations, to whom was referred the Message of the President, of the 31st of March, submit to the House the following report:

Taking into consideration the great importance of the measures recommended, the committee think it a duty, which they owe to the House and the nation, to state the grounds on which their report is founded. Uniting with the Executive in the policy of these measures, they wish to explain the reasons which have produced that union.

Of the past, it is unnecessary to take a review; the attention of the committee is drawn with more solicitude to the future.

Previous to the late changes in Europe, the bearing of our restrictive measures was for the most part confined to our enemies; the obstruction of our commercial intercourse with the friendly Powers of the world being in a manner insuperable. At present, a prospect exists of an extended commercial intercourse with them, highly important to both parties, and which, it may be presumed, they will find an equal interest and disposition to promote. Denmark, all Germany, and Holland, heretofore under the double restraint of internal regulation and external blockades and depredations from a commerce with the United States, appear by late events to be liberated therefrom.

Like changes, equally favorable to the commerce of this country, appear to be taking place in Italy, and the more extreme parts of the Mediterranean. With respect to Spain and Portugal, in the commerce with

whom the United States have great interest, it may be expected that commerce may be carried on without the aid heretofore afforded to the enemy. Should peace take place between France and her enemies, including Great Britain, the commerce of the United States with France will fall under the same remarks.

The considerations of an internal nature which urge a repeal of these acts, at this time, are not less forcible than those which have been already stated. Among those are the following: The committee are persuaded that it will considerably augment the public revenue, and thereby maintain the public credit; that it will enhance the price and promote the circulation of our produce, in lieu of specie, which has of late become so much the object of speculation, tending to embarrass the Government.

Mr. C. then, on leave being given, reported the following bill:

**A Bill to repeal an act entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and so much of any act or acts as prohibit the importation of goods, wares, and merchandise, of the growth, produce or manufacture, of Great Britain or Ireland, or of any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain, and for other purposes.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," passed on the 17th day of December, 1813, be and the same is hereby repealed; *Provided,* That all penalties and forfeitures which have been incurred under the said act shall be recovered and distributed, and may be mitigated or remitted, in like manner as if the said act had continued in full force and virtue.

**Sec. 2.** *And be it further enacted,* That so much of any act or acts as prohibits the importation of goods, wares, or merchandise, of the growth, produce, or manufacture, of Great Britain or Ireland, or of any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain, be and the same is hereby repealed: *Provided,* That all fines, penalties, and forfeitures, incurred in virtue of the said act or acts, shall be recovered and distributed, and may be mitigated or remitted, in like manner as if the same had continued in full force and virtue. *And provided also,* That nothing herein contained shall be construed to authorize or permit the importation of goods, wares, or merchandise, or of any article the property of, or belonging at the time of such importation to, the enemy or enemies of the United States.

**Sec. 3.** *And be it further enacted,* That no foreign ship or vessel shall receive a clearance, or be permitted to depart from the United States, whose officers and crew shall not consist wholly of the citizens or subjects of the country to which such ship or vessel shall belong, or of a country in amity with the United States; and no citizen of the United States shall be permitted to depart in such ship or vessel, without a passport or permission therefor, furnished under the authority and direction of the President of the United States.

The bill having been twice read, Mr. CALHOUN made the usual motion to refer it to a Committee of the whole House.

Mr. WRIGHT, of Maryland, objected to this ref-

erence, because of the nature of the bill, coupling together two subjects which ought to be kept entirely distinct, and on which there might be much difference of opinion. He therefore moved that the bill be recommitted to the committee who reported it, with instructions to report separate bills.

This motion was overruled by the SPEAKER, the motion made by Mr. CALHOUN having preference, according to the rules of the House.

The question on referring the bill to the Committee of the Whole was decided in the affirmative by a large majority.

Mr. CALHOUN, then, from the same committee, reported a bill to prohibit the exportation of gold or silver coins or bullion; which was twice read, and referred to a Committee of the Whole.

Mr. C. then observed, that the Message embraced another subject, which did not appear to the Committee of Foreign Relations to appertain to their province—he meant the continuance of the double duties. He therefor moved that the Committee on Foreign Relations be discharged from so much of the Message, and that it be referred to the Committee of Ways and Means.

Mr. INGHAM, of Pennsylvania, having required a division of the question, the question on discharging the Committee of Foreign Relations from the consideration of that part of the Message was decided in the affirmative.

Mr. WEBSTER, of New Hampshire, moved a reference of the subject to the Committee of the Whole, to whom the two bills just reported had been referred.

This motion, after some observations from Mr. INGHAM, was negatived.

Mr. INGHAM then moved a reference of this part of the Message to the Secretary of the Treasury, with instructions to report to Congress, at their next session, a general tariff of duties on imported goods, wares, and merchandise, conformably to existing circumstances, and the different local interests of various parts of the nation.

To this motion—it being objected by Mr. MASON and Mr. PITKIN that it would be improper and unusual to refer to the President's Secretary a part of his own Message; and Mr. INGHAM, yielding to the suggestion, withdrew his motion. Before he withdrew it—

Mr. McKIM, of Maryland, suggested the expediency of not acting on this subject during the present session. The Message suggested the propriety of extending double duties beyond the termination of the war. If a peace were to take place to-morrow, there would be time enough to act on this subject before they would end.

This part of the Message lies on the table, but with the avowed intention of Mr. INGHAM, at the suggestion of Mr. LOWNDES, to move an instruction to the Secretary of the Treasury to report to this House a tariff of duties, independently of the Message.

Mr. WEBSTER, of New Hampshire, said, as the House was now about to act on the President's Message, it was important that they should have before them all the measures relating to the sub-

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ject. He, therefore, moved that the Committee of Foreign Relations be discharged from the further consideration of the bill which came down from the Senate some time ago for prohibiting the importation of certain descriptions of woollen goods, and spirits distilled from the cane, and that it be referred to the Committee of the Whole, to whom the two bills just reported had been referred.

Mr. GHOLSON, of Virginia, suggested that such a motion was wholly unnecessary, as that bill had no relation to the bills just referred, and its consideration was not at all necessary with a view to a due consideration of them.

Mr. WEBSTER adhered to his opinion of the propriety of giving that bill the course he had proposed.

Mr. CALHOUN remarked that that act had been predicated on the continuance of the non-importation system, which, if not repealed, ought certainly to be rigorously enforced. It was not necessary that the bill should be before the House. If the House should determine against the proposed repeal, it would then be a proper subject of consideration; and he pledged himself for the Committee, that the Committee would in such event act promptly in regard to it, and press its adoption.

Mr. WEBSTER's motion was negatived—ayes 49.

#### TREASURY NOTES.

Mr. DESHA, of Kentucky, rose to offer a resolution. The gentleman from Tennessee, (Mr. GRUNDY,) in offering his motion on Saturday on the subject of a National Bank, had drawn a gloomy picture of the financial affairs of the nation, and asked whether Congress would adjourn and leave them in this situation. His motion looked to such a state of things, and proposed to enable the Government in such an emergency to supply the deficiency. The resolution he then offered was in the following words:

*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of authorizing the President of the United States to cause to be issued, if he deems it necessary, any amount of Treasury notes, not exceeding fifteen millions of dollars, in sums not less than ten nor more than one thousand dollars, bearing an interest of six per centum per annum, payable quarter yearly, except the first year, and that at the end of the year, redeemable in five years; and also into the expediency of laying duties on watches, gold seals, plate, boots, and fine hats, to discharge the interest on said notes.

Mr. GRUNDY, of Tennessee, said he hoped the resolution would be adopted, and the subject placed in a proper train of examination. He was glad to perceive that gentlemen were at last impressed with the necessity of providing for possible cases. The adoption of the resolution would answer at least one good purpose. If the plan it embraced should be discussed and found inefficient, the proposition which he (Mr. G.) had made would meet with a more favorable reception than heretofore. All that he asked was, that the same liberality should be extended to his pro-

position as he was willing to extend to that of the gentleman from Kentucky.

Mr. McKIM said, he should be sorry to deny to the gentleman the courtesy of having his resolution referred, were it not for one consideration. If the gentleman would add to his motion a proposition for such further tax as should be necessary to redeem the notes when they became due, he should concur in his motion. But he asked of the House to take a deliberate view of this subject before they referred the resolution. In his little experience in the world he had found it necessary, when his business was small, to be cautious in signing notes; and so ought the Government to be exceedingly cautious. If there was any one point on which the Government should be cautious, it should be its credit; and a regard for the credit of the Government would not justify the issuing of these notes without providing for their redemption.

Mr. WRIGHT said he most cordially concurred with the gentleman from Kentucky, whose soul he knew to be devoted to the best interests of his country, as he had proved by his zealous, voluntary, personal co-operation in the war during the last campaign; but he wished to add to his list of taxable articles several others which he named, viz: lottery prizes, a tax everybody would be glad to pay; saddle and carriage horses, certainly articles of luxury; houses and lots in the District of Columbia, which are now exempt from the direct tax; and a continuance of the direct tax on land.

Mr. BARNETT, of Georgia, was of opinion that many articles would bear taxation equally as well as those which had been proposed; but it would be in the power of the Committee of Ways and Means, or of the House, to add any that might be thought proper. He was in favor of this proposition. He wished to see every possible means taken to enable the Government to carry on the war in which we are engaged. He was well convinced we had resources enough to carry on the war, and that the people would pay anything, and bear taxes of any description to support the war. The people possessed patriotism and love of country enough to induce them to support the rights of the country.

Mr. STUART, of Maryland, moved to amend Mr. WRIGHT's proposed amendment by including in it "also race horses, mares, and fillies."

Mr. TAYLOR, of New York, said he regretted to see the course this business was now taking. The Committee of Ways and Means had not been inattentive to the subject embraced in this motion. If they had not met the wishes of the House, it would be better to send to them a resolution of instruction in a general form, without designating the articles proposed to be taxed to raise a revenue to defray the interest of these Treasury notes. On that head, if the resolution were so passed, he knew it would be grateful to the feelings of the committee to receive any representations of individual members on the subject of the articles which it would be proper to tax.



Mr. WRIGHT, of Maryland, said he hoped it would not be considered as arrogant in men devoted to the best interests of the country, after waiting until the last moment of the session without hearing from the Committee of Ways and Means on the subject, to call their attention to a project for supplying the Treasury with the necessary funds. The only obstacle to obtaining loans was the omission to provide the ways and means to pay the interest; and this was an object worthy the attention of the House.

Mr. WRIGHT's and Mr. STUART's motions were both disagreed to.

The question being stated on Mr. DESHA's motion—

Mr. EPES, of Virginia, said that the Committee of Ways and Means would be happy at any time to receive any instructions from the House; but it was due to that committee to state that the system to be pursued during the war had been decided on by Congress, before the appointment of the present Committee of Ways and Means. It had been decided that taxes should be laid sufficient to raise a revenue to pay the interest on the old debt and on the new debt to be created by loans during the war. It was true that, in the report of the Secretary of the Treasury at the commencement of the session, it had been stated that the revenue of the present year would fall short of the necessary amount \$750,000. It had been shortly afterwards stated to the committee, however, that the proceeds of the internal revenue would so far exceed the estimated amount during the present year as to cover the supposed deficit: which intimation had been since formally confirmed by a letter from the Secretary of the Treasury, which had been recently presented to the House. The committee, therefore, had only to consider, whether it would be better to take up the general subject of providing the next year's revenue at this time, or to leave it until the next session. The committee, after considering the unsettled state of our foreign relations, the uncertainty of the continuance of the war, &c., had found it altogether impossible to decide what amount of taxes would be necessary for the ensuing year. It was impossible for the committee to decide whether or not the restrictive system would be in force during the next year; and of course they could present nothing more than a mere guess of the amount of revenue which it might be actually necessary to raise during the ensuing year. It had been, therefore, thought better to let the subject rest until they could act understandingly, and the means could be proportioned to the end. On this view of the subject they had postponed taking it up until the next session of Congress. Other considerations had an important bearing on this determination. All the internal taxes being now in operation, it would be improper to make a change in them, because any change would affect the whole system, and instead of increasing the revenue would diminish it. As to the direct tax, in several of the States it was fully paid in, while in others it was now collect-

ing, and of course could not be revised or modified; and it would be much better for Congress to take up the whole subject on their meeting in the Fall. So much for the payment of the interest on the loans. But, on the subject of Treasury notes, a sufficient sum was already authorized for the service of the present year. For one he had no wish to see paper money introduced as a general system; and whenever it came to that question, that we cannot provide for our pecuniary wants without establishing a paper money, he was for reducing those wants. He did not believe Treasury notes could be circulated to an amount greater than our annual revenue, which he estimated at something more than eight millions of dollars. The amount of Treasury notes beyond our revenue must be in the nature of paper money, representing nothing, and possessing only a nominal value. He merely made these observations to justify the course of the Committee of Ways and Means, and to show that they had not been inattentive to their duty.

Mr. BARNETT said if the motion now before the House had answered no other purpose, it had brought out information of which he before knew nothing. He was one of those who was for prosecuting the war at any cost; and he would rather see further taxes resorted to than some other plans which had been suggested for raising a revenue. He believed that there were some schemes before the House, which had their origin in an impression that the loan would not be obtained without their adoption. A proposition to establish a National Bank had been supported on the ground that funds were wanting to support the war; which same ground had also been assigned for the passage of the bill to repeal the embargo. But now the House were told there was revenue enough, and that all was well. If so, Mr. B. said he was satisfied; and if the Committee of Ways and Means would tell the House there was no occasion for it, he would vote against this and every similar proposition; and he hoped to hear no more of these schemes for raising revenue. He was sorry to hear one observation from the gentleman, about reducing the wants of the country; which he could not construe in any other meaning than that of giving up our rights and making a dishonorable peace. He would resort to anything rather than that.

Mr. EPES said, in reply to Mr. B., that his conduct in this House and elsewhere would prove that he was as much disposed to support the war as any gentleman, and felt as little disposition to surrender the rights of his country. But, in regard to the Treasury notes, they must depreciate whenever there was not a known fund sufficient for their redemption, &c. As to the restrictive system, which had been hinted at, he was attached to it; but when a question was presented to his mind, whether he would remove that system or issue paper money, he could not hesitate. When paper money is resorted to, there must soon be an end of all measures requiring money to support them.

Mr. GRUNDY, of Tennessee, explained what he

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*National Bank.*

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had said of a National Bank, as connected with the loan for the present year, differently from the idea Mr. DESHA and Mr. BARNETT appeared to entertain of it.

Mr. DESHA said he had not expected this motion would meet with so warm an opposition, which he had predicated on the doubts which had been expressed of the practicability of obtaining the loan. As to the remarks on the danger of issuing Treasury notes, he apprehended no difficulty on that score: he had collected in the resolution several articles of extravagance and luxury, which would well bear taxation, to defray the interest of the Treasury notes; which, if issued under this regulation, would be in no danger of depreciation. They were not to be redeemable in less than five years; and the Government, being bound to redeem them, would before that time provide a fund for redeeming them. As to a paper money system, he certainly viewed it as a great evil; but what difference was there between that and a bank paper? Both were paper money. Treasury notes would circulate as freely at least as bank paper, because bearing interest. The credit of the nation was not so bad but that the farmers and others who wished to lay up money would give a preference to the Treasury notes over any other money. As to the proposed bank, he in common with many others entertained Constitutional scruples; in regard to Treasury notes, no such difficulty attended them. The first object with every friend to his country must be the prosecution of the war; and with a view to that object he had made this motion.

Mr. FISK, of New York, opposed even sending this proposition to a committee for inquiry, because it would produce an impression that this House was satisfied there might be a necessity of adding fifteen millions of Treasury notes to the amount already proposed to be issued. Such a measure would spread a general alarm, at the prospect of such a mass of paper money being thrown into circulation. Without more cogent reasons than he had heard, Mr. F. said he hoped the House would not tamper with such dangerous experiments.

Mr. ALSTON, of North Carolina, said he was opposed to this resolution, not because he was opposed to the principle of it, but because the Committee of Ways and Means already have power to act on this subject. For his part, he had been favorable to this scheme; but could not find a second in the Committee of Ways and Means on the subject. He was satisfied what would be the result of the inquiry if it were submitted to that committee, and therefore should vote against it; though if the gentleman would change it so as to make the resolution imperative on the Committee of Ways and Means to report a bill on the subject, he would vote for it.

The question on the adoption of Mr. DESHA's motion was then decided in the negative—yeas 37, nays 108, as follows:

YEAS—Messrs. Bard, Barnett, Bowen, Caldwell, Chappell, Conduct, Conard, Crawford, Crouch, Desha, Earle, Evans, Farrow, Franklin, Gourdin, Griffin,

Grundy, Hall, Harris, Hawes, Humphreys, Ingham, Irving, Johnson of Kentucky, Kerr, Lyle, Macon, Murfree, Nelson, Newton, Rhea of Tennessee, Sharp, Smith of Virginia, Strong, Ward of New Jersey, Whitehill, and Wilson of Pennsylvania.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Brown, Butler, Caperton, Colhoun, Champion, Cilley, Clark, Comstock, Cox, Creighton, Culpeper, Cuthbert, Davenport, Davis of Pennsylvania, Denoyelles, Duvall, Ely, Eppes, Findley, Fisk of Vermont, Fisk of New York, Forney, Gaston, Geddes, Gholson, Hanson, Hasbrouck, Hawkins, Howell, Hungerford, Ingersoll, Jackson of Rhode Island, Johnson of Virginia, Kennedy, Kent of New York, Kent of Maryland, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lefferts, Lewis, Lovett, Lowndes, Markell, McKim, McLean, Miller, Moffit, Montgomery, Moseley, Oakley, Ormsby, Parker, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rich, Ridgely, Ringgold, Ruggles, Sevier, Seybert, Sheffey, Sherwood, Shipperd, Smith of New Hampshire, Smith of New York, Stanford, Stuart, Sturges, Taggart, Tallmadge, Tannehill, Taylor, Telfair, Thompson, Troup, Udree, Vose, Ward of Massachusetts, Webster, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, Wright, and Yancey.

So the House determined against the motion.

#### NATIONAL BANK.

The House resumed the consideration of the unfinished business of Saturday last, being Mr. GRUNDY's motion to appoint a committee to inquire into the expediency of establishing a National Bank, with leave to report by bill or otherwise.

Mr. NEWTON's motion for indefinite postponement of this subject being still under consideration—

Mr. FARROW, of South Carolina, spoke against the postponement. He was inclined to believe the establishment of a National Bank to be both Constitutional and expedient; and should therefore vote against the postponement, without saying how he should vote on the bill, because he did not know in what form it would be reported. The want of time was no argument against the discussion of this subject. None could be of more importance, or more peremptorily requiring members to sacrifice personal convenience to the public interest.

Mr. HAWKINS, of Kentucky, supported the indefinite postponement. He was against the proposition proposed to be postponed, if it was only because the difficulties said to exist in procuring funds for the prosecution of the war were seized on to produce a change of principle. As to the difficulties which were said to exist, he considered them in a great degree imaginary, and their reiteration as calculated to produce no beneficial consequences to the nation. He did not believe the difficulties in question, if they existed at all, were such as to require this House to sacrifice principle at the shrine of necessity. He should therefore vote for the indefinite postponement, however under other circumstances he might ob-

ject to such a course of legislation, because present necessity was made the plea for obtaining that decision from the House which, under other circumstances, could not be obtained.

Mr. ROBERTSON, of Louisiana, opposed the postponement. He had heard no one, in the course of this debate, advocate a sacrifice of principle to the exigency of the times. He did not know but the establishment of a Bank could be amply supported on general grounds distinct from the situation of the Government or from considerations of finance. He was happy that this was a question trammelled by no party considerations; it was a question which concerned commerce and commercial operations. Representing a distant but highly commercial section of the country, which bid fair to equal if not outstrip any other part of the United States in commercial importance, he felt disposed, whenever in his power, to do any act, not contravening the Constitution, which would be beneficial to commerce. Those gentlemen who entertained Constitutional objections would do well to vote against postponement, because they could not be expected to yield them. Having himself no such objection, and looking to the expediency of the measure only, he wished for an opportunity of fair consideration to be offered to this subject.

Mr. HAWKINS spoke in explanation. He said he should be always ready to give a candid consideration to any proposition made in this House under ordinary circumstances. But this subject, he said, presented itself in an attitude which did not entitle it to discussion by the House, because predicated on a supposed difficulty which might be found in obtaining the loan already authorized by law. Temporary expedients were not proper for such cases, but measures of a more durable character. Therefore it was that he was in favor of the indefinite postponement. Whenever the question should present itself on principles unconnected with others of moment and present importance, he should not be found opposed to the investigation of it.

Mr. ROBERTSON added, that he considered this as an abstract proposition, and so might the gentleman from Kentucky, if he chose. Some gentlemen supposed it had reference to the immediate convenience of the Government, and some might vote for it and others against it in that view; but they who so voted would vote from motives which Mr. R. said had no operation on him. He did consider it as an abstract proposition whether or not it was expedient at this time to establish a National Bank.

Mr. PITKIN, of Connecticut, said he should vote to postpone this proposition, because there was already before the House a bill on the subject of a National Bank; and because he was opposed to taking up, at this late period of the session, a subject which required, in acting on it, the greatest care and deliberation.

Mr. POTTER, of Rhode Island, said he should vote for the postponement, because no bill could be reported on the subject of a National Bank that he could vote for. The establishment of such

a bank would answer no valuable purpose to the community, and by withdrawing from circulation for six or nine months a vast amount of specie would add to the distresses already experienced in the nation from the want of it.

The question on indefinite postponement was then decided as follows:

**YEAS**—Messrs. Alexander, Anderson, Bard, Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Champion, Cilley, Clark, Crawford, Davenport, Desha, Ely, Eppes, Evans, Geddes, Gholson, Goodwyn, Hale, Hall, Hanson, Hawes, Hawkins, Howell, Hungerford, Ingersoll, Irving, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kent of New York, Kershaw, King of Massachusetts, Law, Lewis, Lovett, Lyle, Macon, Markell, McKim, Miller, Moffitt, Moseley, Nelson, Newton, Pickering, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rhea of Tennessee, Ringgold, Ruggles, Sharp, Sheffey, Stanford, Stuart, Sturges, Troup, Vose, Webster, Wheaton, Wilcox, Wilson of Massachusetts, and Wright—71.

**NAYS**—Messrs. Alston, Archer, Barnett, Bowen, Bradley, Brown, Butler, Caldwell, Calhoun, Chappell, Comstock, Condict, Conard, Cox, Creighton, Crouch, Culpeper, Cuthbert, Davis of Pennsylvania, Denoyelles, Duvall, Earle, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gaston, Gourdin, Griffin, Grundy, Harris, Hasbrouck, Humphreys, Ingham, Jackson of Rhode Island, Jackson of Virginia, Kent of Maryland, Kerr, Kilbourn, King of North Carolina, Lefferts, Lowndes, McLean, Montgomery, Murfree, Oakley, Ormsby, Parker, Pearson, Pickens, Piper, Rea of Pennsylvania, Rich, Ridgely, Robertson, Sevier, Sherwood, Shipherd, Skinner, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Strong, Taggart, Tallmadge, Tannehill, Taylor, Telfair, Thompson, Udree, Ward of Massachusetts, Ward of New Jersey, White, Whitehill, Wilson of Pennsylvania, Winter, and Yancey—80.

So the House determined that Mr. GRUNDY's motion should not be indefinitely postponed.

Mr. HALL of Georgia, then moved to amend the motion by adding after the word "bank," the words "within the District of Columbia."

After a few words of objection by Mr. GRUNDY, who wished the motion general, to afford the Committee latitude of discretion as to the details of the institution, and some observations from Mr. WRIGHT in reply, Mr. HALL's motion was negatived—ayes 32.

The question was then put on the adoption of the resolution, and decided as follows: For the motion 76, against it 69.

So the resolution was passed, and a committee of nine members directed to be appointed to carry it into effect. And Messrs. GRUNDY, OAKLEY, CALHOUN, GASTON, JACKSON of Virginia, LOWNDES, WARD of Massachusetts, INGHAM, and FISK of New York, were appointed the said committee.

TUESDAY, April 5.

Mr. ROBERTSON, from the Committee on the Public Lands, reported a bill for the relief of John R. Williams; which was read twice and committed to a Committee of the Whole.

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*Next Meeting of Congress.*

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Mr. ARCHER reported a bill to enable the President of the United States to make restitution to the owners of the Danish brigantine called the *Henrick*; which was read twice and committed to a Committee of the Whole.

Mr. EPPES, from the Committee of Ways and Means, reported a bill for the relief of John Castille; which was read twice and committed to a Committee of the Whole.

Mr. EPPES also reported a bill for the relief of Edward Hallowell; which was read twice and committed to a Committee of the Whole.

Mr. EPPES also reported a bill for the relief of John T. Williamson and Thomas Rice; which was read twice, and ordered to be engrossed and read the third time to-morrow.

Mr. EPPES also reported a bill for the relief of Benjamin W. Crowninshield; which was read twice, and ordered to be engrossed and read the third time to-morrow.

Mr. EPPES, from the same committee, who were instructed to inquire into the expediency of increasing the compensation allowed to the Collectors of the Customs, made an unfavorable report thereon; which was concurred in by the House.

Mr. EPPES made an unfavorable report on the petition of Stephen Girard, referred on the 14th ultimo; which was read, and concurred in by the House.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act, entitled "An act to provide for the widows and orphans of militia slain, and for militia disabled in the actual service of the United States. The bill was reported with an amendment which was concurred in by the House and the bill ordered to be engrossed, and read the third time to-morrow.

The bill to authorize the erection of a penitentiary in the District of Columbia, and to provide the necessary funds therefor, was postponed indefinitely.

The House resolved itself into a Committee of the Whole on the bill supplementary to an act entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi, and Island of New Orleans. The bill was reported with an amendment, which was concurred in by the House, and the bill ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of persons who, by mistake, have made wrong entries on the public lands; and, after some time spent therein, the bill was reported with an amendment thereto, striking out the first section of the same: Upon which, the SPEAKER decided, that the report of the Committee of the whole House was not in order, because the amendment struck out the whole bill, which consisted of but one section, and therefore amounted to a rejection of the bill.

A motion was then made by Mr. TAYLOR, that the said bill be postponed indefinitely, and the

question being taken, it was resolved in the affirmative.

Mr. GRUNDY, of Tennessee, made a report on the memorial of Thomas Claxton, concluding with resolutions recommending the appointment of James Claxton to attend to the post office and stationery office of the House, with a compensation of three dollars per day during the session. A motion was made to substitute two for three dollars in the report, but was negatived. And the report was then ordered to lie on the table.

The engrossed bill concerning invalid pensioners was read a third time, and passed.

The bill to provide for the collection, preservation, and exhibition of such flags, standards, and colors as shall have been, or may hereafter be, taken by the land and naval forces of the United States from their enemies, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of James Cutter, and the bill for the relief of John Cahoon and others, respectively, passed through Committees of the whole House, and were ordered to a third reading.

The bill to amend the judicial system of the United States was, on motion of Mr. INGERSOLL, postponed indefinitely.

The report of the select committee on the petition of J. A. Chevallie, agent of Amelie Eugenie Beaumarchais, was, on motion of Mr. SHEFFEY, postponed indefinitely.

#### NEXT MEETING OF CONGRESS.

Mr. EPPES, of Virginia, from the select committee appointed to consider the subject, reported a bill fixing the time for the next meeting of Congress, (the third Monday in October next;) which was twice read.

Mr. JACKSON, of Virginia, moved to amend the bill, so as to fix on the first day of November as the day of meeting, and assigned as a reason the occurrence of many elections about that period, which it would be desirable to members to attend, and also the advantages of short sessions, in which as much business was generally done as in long ones.

Mr. EPPES said, it was desirable that Congress should meet at as early a day as gentlemen residing at a distance could venture into the climate; for the reason that, if this present war continues, not only the direct tax must be revived, but other taxes must be put in operation. It was supposed that three months would be sufficient to put the direct tax into operation, after the law should pass for laying it. Allowing a month for enacting the law, it might go into operation within the month of February, and a considerable part of the proceeds come into the Treasury during that year. If the war continued, it would be proper for Congress to meet in time to make efficient provisions for the service of the next year. The month of October would be as inconvenient a time for himself to be absent from home, Mr. E. said, as for any gentleman in the House; but private convenience must yield to the public interest.

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Modified Duties.

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Mr. JACKSON concurred in the sentiment last advanced by his colleague, but he conceived that the time he had proposed would be early enough for Congress to meet; and being only two weeks later than the day proposed by his friend, could not make any material difference.

Mr. KING, of North Carolina, moved to postpone the further consideration of the bill to Monday next. Negatived—ayes 43.

Mr. GRUNDY, of Tennessee, was desirous of fixing on such a day as should reconcile the convenience of members with the public good; and, that the House might have time to reflect on it, he moved to lay the bill on the table.

Mr. POST, of New York, said he saw no necessity, after what had fallen from the chairman of the Committee of Ways and Means, for either deferring the question, or for passing the bill now before the House. For, if he understood the gentleman, it was supported on the contingency that we may next year have a continuation of the war. The occasion for meeting being a contingency, and the President having full power to call Congress whenever he shall deem it proper, he saw no occasion to pass a law on the subject; especially when, by coming here as early as proposed, members from the Northern States ran considerable risk of suffering from the influence of this climate.

Mr. EPES said, although it was perfectly true that the President might convene Congress whenever he thought proper, yet he thought it correct, when the Legislature was responsible, that it should not place itself at the discretion of the Executive. It was the duty of Congress to provide the ways and means for carrying on the war; and it was their duty to meet in time to do so, without depending on the discretion of the Executive in this respect.

Mr. FINDLEY, of Pennsylvania, remarked, in addition, that the power given to the Executive to convoke Congress, was not to do the ordinary business of the nation, but such matters as unforeseen events occurring during the recess might render necessary.

The motion to lay the bill on the table was decided as follows—For the motion 66, against it 64.

So the bill lies on the table.

#### MODIFIED DUTIES.

Mr. INGHAM, of Pennsylvania, with a view to fulfil the intention he had avowed during the debate of yesterday, moved the following resolution:

*Resolved*, That the Secretary of the Treasury be directed to report to Congress, at their next session, a general tariff of duties, conformably to the existing situation of the general and local interests of the United States.

Mr. PITKIN, of Connecticut, said this subject had been frequently agitated in the Committee of Ways and Means, and it had been considered desirable, with a view to modifications in the system, to obtain an account of the amount of woolen goods and other merchandise imported. To

mature a resolution on this subject, he thought was more properly the duty of the Committee of Ways and Means, and suggested the propriety of referring this resolution to that committee.

Mr. SEYBERT, of Pennsylvania, expressed himself decidedly in favor of the motion of his colleague, and saw no necessity whatever for delay by a reference of the subject to any committee whatever.

Mr. NEWTON, of Virginia, expressed himself favorably to the object of this motion, but did not think it as comprehensive as might be desirable. Instead of an *ad valorem* duty, he thought that many of the duties ought to be specific. That he and other gentlemen might reflect on this matter, and prepare amendments if necessary, he moved that the resolution lie on the table.

Mr. INGHAM, of Pennsylvania, objected to the motion's lying on the table, because of the lateness of the period of the session. He spoke of the necessity of a tariff, and the length of time since any change had been made in the present rate of duties. Some of the specific duties were now from 45 to 50, whilst the highest *ad valorem* duties, being principally on those articles, too, which come in competition with our manufactures, were not more than 15, though nominally 25 per cent.

Mr. INGERSOLL, of Pennsylvania, hoped that the resolution of his colleague would be suffered to pass, as he thought it ought to have done as moved yesterday; not being able to see the force of the objection, then urged, that it would be improper to refer to one of the Secretaries any subject embraced in a Message from the President. One reason, among others, why he wished the resolution to pass, was, that he saw in to-day's newspaper a mistake which it was necessary to correct. In the National Intelligencer of this morning, it was stated that the prolongation of the double duties was not included in the report—the committee appearing to deem it not necessarily connected with other subjects embraced in the message. You have before you a message proposing to change completely, from top to bottom, the aspect of your commercial relations; and the President, well aware of the effect which even the report of these measures would have on the manufacturing interest, associates in the message a recommendation to prolong the double duties. That matter has been suffered to lie on the table. Now, suppose the present motion of his colleague should be laid on the table, the idea thrown out in this paragraph would gain ground, and the manufacturers would be impressed with the idea that there was no disposition in the House to attend to their interests. This idea the House, he hoped, would not encourage.

Mr. McKIM, of Maryland, said he could see no reason for the resolution's lying on the table, because the objects in view could be very readily obtained by an amendment, which, if the motion to lay it on the table was negatived, he would offer.

The motion to lay the resolution on the table was negatived—ayes 36.

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*Repeal of the Embargo.*

H. OF R.

Mr. McKim then moved to amend the resolution, by adding to it the following words: "with a view, also, to extend the specific duties as far as practicable, and to suggest such improvements of the laws as may be necessary to secure more effectually the collection of the duties on imports and tonnage." The latter clause he had introduced because of the facility to smuggling, which the unrestricted removal of foreign goods from one port to another now afforded.

Mr. INGHAM objected to this amendment as going to limit the object of his motion.

Mr. LOWMEDES, of South Carolina, hoped the amendment would not prevail. As the resolution now stood, it was left perfectly open, expressing no opinion on the part of the House. The amendment, however, went to express an opinion, which the House could not be prepared so hastily and unadvisedly to decide on. All that could be correctly done at this late period of the session, was generally to call the attention of the Secretary of the Treasury to the subject.

The amendment moved by Mr. McKim was disagreed to, and Mr. INGHAM's motion then passed without objection.

### WEDNESDAY, April 6.

A message from the Senate informed the House that the Senate have passed the bill "for the relief of Mary Cheevers," with amendments. The Senate have passed a bill "authorizing an augmentation of the marine corps, and for other purposes;" also, a bill "directing the disposition of money paid into the courts of the United States;" in which bills and amendments they ask the concurrence of this House.

Mr. WRIGHT, of Maryland, submitted the following resolution, which was read, and ordered to lie on the table:

*Resolved*, That the following rule be added to the rules of this House: "That no amendment by way of rider be received to any bill on its third reading."

On motion of Mr. JENNINGS, of Indiana, ordered that the Committee of the Whole be discharged from the further consideration of the bill to define more explicitly the duties of the Judges of the Territories of Indiana and Illinois.

The House resumed the consideration of the report of the committee on the petition of Thomas Claxton.

A motion to reconsider the vote of the House yesterday to strike out the word "three" and insert "two" as the compensation to be allowed per day to the keeper of the letter and stationery office, was carried, and the House, by a vote of 68 to 49, agreed to the said amendment.

A motion was made further to amend the report; when the resolution and amendments were, on motion of Mr. CALHOUN, ordered to lie on the table.

### REPEAL OF THE EMBARGO.

The House, on motion of Mr. CALHOUN, resolved itself into a Committee of the Whole on the bill to repeal the embargo and non-importa-

tion acts, and the bill to prohibit the exportation of specie.

The first mentioned bill was first taken up; and the first section having been read—

Mr. CALHOUN, of South Carolina, (the Chairman of the Committee of Foreign Relations,) rose to speak to the merits of the bill. In order to judge of the propriety of the measure it embraced, he said, it would be necessary to go back to the nature and character of the war in which this nation is engaged. It was, as it had been emphatically and correctly stated, a war for Free Trade and Sailors' Rights: and such, Mr. C. said, must be the character of every war in which this nation is engaged. We are so far removed from the European contest, that we shall never enter into the struggles for continental power in that quarter of the world. Not that we should be indifferent spectators of the events in Europe, because the changes there may have a considerable bearing on the affairs and interests of this country: but the interest we feel in these events is not of such a character as to make us a primary party in any of these contests. But one circumstance always accompanying the European struggles, will more or less involve the rights of this country in them. Of such a character is the British commercial or maritime policy, which in its effect tends to destroy the free trade of this country and also to infringe the rights of our seamen. In this point of view it is a matter of great importance that we should duly reflect on the character of the present contest, to decide what part this country ought to act, and what principles should now govern our conduct. The policy of Britain, which is to contract and limit neutral rights, and which, if not resisted, would annihilate them, will always have a strong bearing on the United States. But that policy will not stop here; it will affect the interests of every country in Europe, and place them more or less on the side of this country in resistance to the commercial policy of England. It then becomes a matter of policy to unite those countries, interested in the cause of free trade, in the struggle which we are obliged to make against the usurpations of our enemy. In this point of view the most liberal and generous policy ought to be pursued by us as to the other Powers of Europe, and particularly to the great Northern Powers, Sweden and Russia. But it might be said our past measures contradict this leading principle of policy. Mr. C. thought not. The restrictive system sprung from an unusual state of things: it was a pacific policy, arising from the extraordinary state of the world at the time we embarked in it—and of course was a temporary rather than a permanent policy. On looking back to its origin, gentlemen would find it to be such as he had stated. It originated at a moment when every Power on the continent of Europe was arrayed against Great Britain, and no one country in Europe was then interested in the support or defence of neutral rights. There was scarcely a port in Europe, which, at the commencement of our restrictive system, was not occluded to British commerce.



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In this state of things, the United States, in order to avoid war, not having taken the resolution at that time to declare war, resorted to the restrictive system—resorted to it because the extraordinary state of the European world presented a prospect that the strong pressure of this system on Great Britain might save the nation from a war into which we have since been reluctantly drawn. Such was the character of the embargo measure, originating from the posture of the world at that day, when it was resorted to without the prospect of its producing an impression on any neutral Power—for there were then no neutrals. Gentlemen might say, that, in this view of the restrictive system, it ought to have terminated at the commencement of the war. To be candid, Mr. C. said, that was his opinion; and when a motion was made, by a gentleman from Massachusetts, to that effect, he (Mr. C.) had advocated it on the ground that the restrictive policy was opposed to war. That motion was not successful, but it was rejected by a majority of one vote, so many members of the Republican party agreeing with him in that opinion as almost to have carried the question at that time. But why was the system not then terminated? The reasons would be obvious to all who reverted to the circumstances of that time. The state of the world which originally induced the system, which gave great energy to it, continued in its pristine vigor. All Europe was still occluded to British commerce; the war between Russia and France had not broken out—Russia had not then opened her ports to British commerce. This was then the governing motive which prevented the repeal of that system. Had the state of the world then been what it now is; had all the European world, France excepted, been open to British commerce; had there existed neutral nations on the continent of Europe, of very great power and influence; Mr. C. said, had this state of things then existed, there was the strongest reason to believe, from the small minority against the resolution of the gentleman from Massachusetts to which he had alluded, the restrictive system would have been terminated by the war. As to his own views of that system, Mr. C. said he thought it ought to have terminated in war earlier than it did. In this respect he had disagreed with gentlemen on the other side of the House, with whom he had then voted. They wished neither war nor restriction.

But, said Mr. C., let us now attend to the present state of the world. What is the condition of England? As between us and Great Britain, there are many nations of great power now in a neutral condition. Russia, Sweden, all Germany, Denmark, Russia, Spain, for even she may be considered neutral—and perhaps Holland. Under the entire change in the circumstances of Europe, ought not the restrictive system then to terminate? Indubitably—indubitably, he said, because all the reasons which justified and recommended its continuance had ceased. It was originally resorted to as a specific measure; having declared war, as a war measure it was continued, and was a forcible

measure, because all Europe was shut against our enemy. All Europe being now open to her, that reason has ceased. Suppose we were to persist in the measure. Does any one believe that England will feel the measure as she did when the Continent was shut? Certainly not. But in addition to that consideration, the fact is that we are now contending for free trade, and ought to propitiate as much as possible every nation which has the same interest as ourselves in its maintenance. In one word, it is our interest to attach the friendship of Russia, Sweden, Holland, Denmark, and of all nations who have a deep interest in free trade, to the cause of America. Mr. C. felt a strong impression, that if we opened our ports to them, and the maritime usurpations of Great Britain continued, they would in time make common cause with America; that in time their weight would be thrown into the scale with us to counteract the policy of Great Britain. It would not be decorous or wise for the United States, standing up for the freedom of trade, to pursue a course of policy calculated to irritate those nations with whom we may have common cause. What had the Emperor of Russia said in relation to our war with Great Britain, when apprized of it? He had expressed his solicitude for trade with America, and regretted that our difference with Great Britain would interrupt it. This sentiment he had expressed at the moment when all France and her allies marched against him, and he did not know how soon France would plant her standard in his capital. The sentiment must have still greater influence with him now, when his enemy is repelled. The same feeling which governed the Emperor of Russia in this respect must in a greater or less degree govern every nation on the Continent of Europe, whose interests are the same. In the proposition which had been made to France on the part of the allies, a solicitude had been evinced on this subject, which, if this country shows a disposition to extend the benefits of its commerce to the European Continent, must have weight in the British Cabinet. We ought never to forget, Mr. C. said, the reason which had forced us into war. Anxious to maintain our neutral position, and to enjoy the benefits of neutral trade, we had for years closed our eyes against the aggressions on the part of the enemy. Sufferance on our part had provoked only further injury, which had forced us to arms in defence of neutral rights and free trade. Under this view of the subject, he hoped this committee would duly appreciate the necessity of conciliating those nations whose interests were now the same as ours, with whom we have now some trade, and in future may expect it to be greatly extended. But it might be said England would not permit this trade. To what situation, Mr. C. asked, would she then be reduced? To an alternative the most awkward and perplexing. She must either keep up their present mere cruising or paper blockade of our seacoast, to prevent the entrance of those neutrals, or modify her system of paper blockade in favor of all neutrals. Will not a persistence in her present illegitimate blockade,

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and capture at sea of neutral vessels destined for the United States, irritate and vex those nations, and detach them from the cause of Great Britain? If, on the other hand, she modifies her blockade in their favor, Mr. C. said, we may carry on a lucrative trade to the continent of Europe, not beneficial to England, but very much so to the United States. The very option which will thus be presented will embarrass the British Cabinet, and have a stronger tendency to produce peace than ten years continuance of the present system, when the prospect of its producing any pressure has become so very faint. Mr. C. said he would ask of gentlemen on the same side of the House with himself, whether, if the restrictive system were now off, there would be ten votes in the House in favor of putting it on? He contended there would not. If it were to expire on the 10th of the month, would there be ten votes in favor of its renewal? He believed not. If the House would in neither case embrace it under present circumstances, there was the strongest reason to presume that in its judgment the restrictive system is not now operative and wise. What then, he asked, was the objection to repealing it? A regard to consistency. He knew, he said, that regard ought always to be had to that valuable trait in Governments or men. But it was not the duty of men to regulate their conduct without any regard to events. True wisdom consists in properly adapting your conduct to circumstances. Two things may change our conduct in any particular point: a change of our own opinion, or of exterior circumstances, which entirely change the reason of our former conduct. Men cannot always go straight forward, but must regard the obstacles which impede their course. Inconsistency consists in a change of conduct when there is no change of circumstances which justify it. Those who adapt their conduct to a change of circumstances, act not consistently but otherwise. They would be inconsistent if they persisted in a course of measures after the reasons which called for them had so changed as to require a course directly the reverse. Mr. C. said he respected the firmness of many friends around him, because it indicated their determination to persevere in any system and adhere to any measure which they believed the interest of their country to require. But, according to the view which he had taken, he did not view such a persistence in the restrictive system to be the dictate either of wisdom or sound policy. There were many other observations which he might make on this subject, which he should at present forbear to urge. As to the manufacturing interest, in regard to which some fears had been expressed, the resolution voted by the House yesterday was a strong pledge that it would not suffer the manufacturers to be unprotected in case of a repeal of the restrictive system. Mr. C. said he hoped at all times and under every policy they would be protected with due care. All further remarks he reserved until he should hear the objections to the bill.

Mr. WEBSTER, of New Hampshire, addressed the Chair as follows:

Mr. Chairman, I am happy to be present at the office now to be performed, and to act a part in the funeral ceremonies of what has usually been called the restrictive system.

The occasion, I think, will justify a temperate and moderate exultation on the part of those who have constantly opposed this system of politics, and uniformly foretold its miserable end. I congratulate my friends on this triumph of their principles.

They have not labored altogether in vain. The vote now to be given is a high tribute to the correctness of their opinions and the consistency of their conduct. At the same time, I would not refuse condolence to the few surviving friends to whose affections the deceased was precious; who are overwhelmed with affliction at its sudden dissolution, and who sorrow, most of all, that they shall see its face no more.

The system, sir, which we are now about to explode, is likely to make no inconsiderable figure in our history. It constitutes an era which will be memorable, and I know no gentlemen who may indulge stronger hopes of being remembered by posterity than those whose names have been associated with its introduction and support. It was originally offered to the people of this country as a kind of political faith. It was to be believed, not examined. They were to act upon, not reason about it. To deliberate was to doubt, and to doubt was heretical. It stood upon the trust reposed in its authors, not upon any merit which could be discovered in itself. It was to be our political salvation, nobody knew exactly how, and any departure from it would lead to political ruin, nobody could tell exactly why. All that the eye can discern in it appeared to be absurd and preposterous; but there was a supposed hidden character, an efficacy unrevealed to vulgar sight, by which it would answer all the great ends proposed by it, and manifest its superiority over those other political systems which this or any country had at any time adopted. Having assumed the nature of a party superstition, it set all reasoning at defiance, and held the minds of a vast portion of the community in chains difficult to be broken. The more so, because it was attended with a severe and efficacious discipline, by which those who went astray were to be brought to repentance. No Saint in the Calendar ever had a set of followers less at liberty, or less disposed to indulge troublesome inquiry, than some, at least, of those on whom this system depended for support.

But, as in other cases, there were those who were above this superstition, and who directed and controlled it. They had their objects; and if those objects have not been obtained, the reason is correctly assigned in the Message before us—"the extensive changes which have recently taken place." The true character of this system, and of the purposes intended to be effected by it, will hereafter be well understood. The passionate excitement, created by opposition to it, so long as it remained the favorite measure of a predominant party, will cease, now that it is pass-

ing off with general consent, and the sense of the community, at liberty at last to exercise itself, will be able to see it in the true light, and will not be restrained from pronouncing decisive sentence of condemnation.

The opponents of these restrictive measures have uniformly contended, not only that they were ruinous to ourselves, and almost wholly inoperative on others, but that they did not spring from a purely American policy. This was the great ground of their opposition. They regarded the restrictive system of the United States as an humble imitation of the continental system of France, and as a measure of co-operation with her Government in its conflict with England.

It was easy, they thought, for those who had not yielded their reason to the dominion of party feeling, to see that such was its true character. I do not intend, on this occasion, to take a view of those historical coincidences between French and American measures which have been so often traced. The commencement of the continental system, after the subjugation of Prussia and the humiliation of Russia, was immediately followed by the American embargo of 1807; and if one were to ask what this Government could have contributed more than it has contributed towards rendering that system effectual, it would be difficult to find an answer. From the nature of things these restrictive measures would have no important effect, but from the concurrence with the measures of other Powers. How were they to affect England? By denying to her a market for her manufactures. This, it was said, would excite discontent among the people, and they would compel their Government to do us justice. How far any such consequence could be hoped for, depended on the portion of her manufactures which found a market in this country. This was not such as to afford rational grounds for such expectation. It is a high estimate to say, that one-twelfth part of the whole product of British manufactures finds a market of consumption in the United States. Could it be supposed, that, by refusing to purchase this amount of her commodities, we could coerce her to comply with our terms? Would the loss of this portion of their market so far incense the people of England that her Government would be compelled, by the force of public opinion, to abandon its measures? How could such an expectation be entertained by those who have not hesitated to deprive the people of this country of the whole market for their exports, and cut off their commerce of every description, and yet imagine that their privations will be borne with patience and resignation? No such expectation was entertained. It was impossible it should be. The truth is now acknowledged. This system depended for its success on another and a mightier system. It was the auxiliary, and not the principal. Not capable, of itself, of producing any great effect on the interest of England, it might yet contribute to that end by its co-operation with the measures of her European enemy.

[Mr. CALHOUN here asked what the gentleman

meant by co-operation. In one sense he himself had not used it, and now denied its application.]

I did not allude particularly to the speech of the honorable gentleman from South Carolina. I said, that the effect to be expected from the restrictive system of the United States depended on the operation of another system, to which it was appendant. The systems of France and America were intended to operate against the same Power, at the same time, by similar measures, and were, in some degree, mutually dependent on each other for success. This I call co-operation. If France succeeded in her contest with England, then America would succeed. The more she spread desolation and ruin over Europe, the more our hopes of success to our measures were brightened. If France failed, then America would fail also. Our interests were coming to be, in this course of things, identified with those of France. It was the direct and inevitable tendency of this vicious and mischievous system of politics to make a common cause between the two Governments. It was natural that the politicians of this country should wish success to their own measures. This necessarily led them to desire the continuation and increase of the already overgrown power of France; because on this the fate of their own measures depended. Without considering what other causes existed, leading to an undue preference and partiality for that Power, which have so warped and biassed its whole system of foreign relations, it is entirely evident that the restrictive measures of this Government, from first to last, were of a nature to associate its hopes, its wishes, and its supposed interests with the side of France. This is the charge so often urged against the course of Administration, and the grounds on which it rests are now no longer to be denied. Their system, as is admitted, was adopted when every Power on the Continent was arrayed against England, and its ports shut to her commerce. The final abandonment of the system is now justified on the ground that great changes have taken place. These changes are neither more nor less than the overthrow of French power, and the deliverance of nations long oppressed by its bloody and barbarous despotism. How unnatural, how perverse, how radically false must be a system of measures which has opposed our interests to the general interests of mankind, and reduced us to that miserable condition, that unless we would wish to see the measures of our own Government disconcerted and its hopes disappointed, we must rejoice, not in the general liberty and prosperity of nations, but in the progress of successful usurpation! In my opinion, sir, no censure is too severe to bestow on such a system of politics. Even without regard to the character of the Government with which it was uniting us, it was, in its own nature, radically wrong and reprehensible. Its direct tendency was to diminish our own independence, and our self-respect, and to lead to a reliance on the efforts and success of others for the maintenance of our own rights. It was connecting us most danger-

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ously with the affairs of foreign nations, and rendering us liable to change with every fluctuation of power and politics in Europe. If this system had been described by its authors at first introduction, as it is now described, the people of this country would not have endured it. If they had been told that it depended for support in the continuance of French power over the Continent, and that, in the event of any considerable diminution of that power, it would become futile and contemptible, they would have rejected it with scorn. There is, I trust, in the community, a sentiment of national independence which would have repelled a system of politics founded upon a reliance on the arm of another nation; and I am sure there is a sense of honor and humanity which would have been shocked at such an association of American interests with the most profligate, ruthless, and horrible tyranny that has ever been exercised over any portion of the human race.

To be consistent with themselves the friends of the measures now proposed to be repealed would be bound to re-enact them if the affairs of Europe should again change their aspect. If the armies of the allies should be repulsed and destroyed; if Prussia should again be overrun, Austria compelled to make her peace, and Russia driven, in rout and ruin, back to her own "frightful climate," a state of things will again exist favorable to our experiments of commercial restrictions. If the Emperor of France should again be able to subdue, or to humble every Power in Europe but one, then will be the time for our hitherto favorite policy again to develop itself, and to aid in the last labor of imperial ambition. I trust that no such state of things is near, and that Heaven, in its wise and merciful ordering of events, will save us from that from which we have seemed hitherto not desirous of saving ourselves. I hope, also, that the immense losses and sufferings which the people of the United States have endured, uselessly endured, under the operations of the restrictive system, will insure a long abhorrence of its memory.

By the sudden abandonment of all this policy thousands will be unavoidably ruined, as other thousands were ruined at its commencement. In a commercial country nothing can be more objectionable than frequent and violent changes. The concerns of private business do not endure such rude shocks, but with extreme inconvenience and great loss. It would seem, however, that there is a class of politicians to whose taste all change is suited; to whom whatever is unnatural seems wise, and all that is violent appears great. If great and sudden changes do not agree with their taste, they are, at least, necessary to their system. They must naturally happen in every course of politics that consists altogether in shifts, and projects, and expedients. There has been, for some of the last years, no calculating in the policy of the Government. No man has been able to say what principles would govern it any moment beyond the present. What has made it worse is, that the standard by which

some of its leading measures now seem to have been governed has never before been acknowledged. It has not been before confessed that they depended on events in Europe. On the contrary, we have been a thousand times told, that they had nothing to do with the quarrels of other nations, and that to refer to any such criterion was uncharitable and unjust. Who of all the supporters of non-importations and embargoes, ever yet told us frankly and honestly that they would all be abandoned whenever the power of France should be crushed?

Looking, sir, to the language which has been holden, to the votes which have been given, and to the measures which have been adopted, so recently, who could have imagined that any Government could thus suddenly have abrogated its whole system? Since the commencement of the session we received the Message recommending an universal embargo, and more rigorous provisions for enforcing the non-importation. An embargo law was accordingly passed, annihilating, at one blow, all the trade of the country, foreign and domestic, and containing provisions and penalties without example in the legislation of this or any free country. In pursuance of the same policy, and further to enforce the system, this House has since passed a bill, relative to trials in the Admiralty Courts, which abolishes ancient and settled usages of law, and introduces novel and inconvenient regulations in their stead. We have received, also, from the other House, another bill making still further provisions for a strict and unrelenting execution of these laws. So essential was it deemed to the vital interests of the country to prevent all importation of British goods, that woollen and cotton fabrics, and spirits distilled from cane, were to be excluded altogether, come from what quarter they might; because, as they were usually the product of the enemy's country, their neutral character might be colorable only, and false.

It was but the other day that an honorable gentleman from Maryland, (Mr. WRIGHT,) who usually votes with the majority, moved a resolution for repealing the embargo, but failed in obtaining from the House the favor of taking his resolution into consideration. As little success attended a resolution subsequently moved by my honorable friend from North Carolina, (Mr. GASTON.) After a whole day's discussion, the House rejected a bill granting liberty to Paul Cuffee to cross the Atlantic for the most honorable purposes of charity and humanity, because it would endanger the safety of the country by violating the embargo. No safe provision could be devised, no adequate security could be given; even the discretion of the President, so safe to the people when the law is to be enforced, was not to be trusted with any relaxation. In addition to these proofs of the temper of the Government, legislative and other addresses have been presented to us, approving the measures of the Administration, and expressing the fullest confidence that it would adhere to its system. Yet, notwithstanding all this, in a moment—in the twinkling of

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an eye—the whole system is dissolved. The embargo act, the non-importation act, and all the crowd of additions and supplements, together with all their garniture of messages, reports, and resolutions, are tumbling undistinguished into one common grave. But yesterday, this policy had a thousand friends and supporters; to-day, it is fallen and prostrate, and few “so poor as to do it reverence.”

Sir, a Government which cannot administer the affairs of a nation without producing so frequent and such violent alterations in the ordinary occupations and pursuits of private life, has, in my opinion, little claim to the regard of the community.

It has been said that the system of commercial restriction was favorable to domestic manufactures, and that if it did nothing but induce the habit of providing for our own wants by our own means, it would deserve to be esteemed a blessing. Every gentleman may remember how often, and how zealously, this consideration has been urged upon us. Those, nevertheless, who were opposed to it, and who thought they understood its real character and true objects, did not hesitate to predict that the moment any supposed policy of the Government required it, manufactures would be sacrificed with as little reluctance as commerce had been.

The same unsparing and remorseless hand which had prostrated the one, would equally prostrate the other, to meet any new exigency of affairs, to overcome present financial embarrassment, or answer any purpose of temporary expediency. Something is indeed said in the Message in relation to the continuance of the double duties “as a more effectual safeguard and encouragement to our growing manufactures.”

Sir, I consider the imposition of double duties as a mere financial measure. Its great object was to raise revenue, not to foster manufactures.

It is a part of the war system of taxation. As the double duties, in their origin, had little or no reference to the encouragement of manufactures, so neither will they have in their continuance. So soon as the want of money abates, the double duties will cease, and this “safeguard to our growing manufactures” be heard of no more.

I do not say the double duties ought to be continued. I think they ought not. But what I particularly object to, is the holding out of delusive expectations to those concerned in manufactures. The proper measure is undoubtedly a new regulation of the tariff of duties, and perhaps an increase on some selected articles. To double the duties on all articles imported, for the purpose of encouraging the domestic manufacture of some, is absurd and preposterous. That sugar, and coffee, and tea, for example, should be subject to this increase of duties, under pretence of encouraging the woollen and cotton manufactures of the Eastern States, is ridiculous. I trust no man engaged in manufactures will be deceived by it.

But whatever Government intends to do on this subject, it ought to be frank and sincere. Its

policy ought to be known, and if it has not a total disregard to the interests of the community, it ought to be constant. In respect to manufactures, it is necessary to speak with some precision.

I am not, generally speaking, their enemy. I am their friend, but I am not for rearing them, or any other interest, in hot-beds. I would not legislate precipitately, even in favor of them; above all, I would not profess intentions in relation to them which I did not purpose to execute. I feel no desire to push the capital into extensive manufactures faster than the general progress of our wealth and population propels it.

I am not in haste to see Sheffield and Birmingham in America. Until the population of the country shall be greater in proportion to its extent, such establishments would be impracticable, if attempted, and if practicable, they would be unwise.

Whatever manufactures can be conducted in the household, where children may be occupied under parental guardianship and protection, are useful in the highest degree. Many others, cotton and woollens for instance, of which the material constituting the article of chief value, is or may be the produce of our own soil, are likewise worthy of protection and care. But of those products of which the chief ingredient is the labor bestowed, which can be made profitable only by the employment of vast capital, by the minutest division and subdivision of labor, and by the toil of children of both sexes, drawn together in great numbers, and put out of sight of those who have a natural interest in the preservation of their health and morals, one can hardly speak in terms of so decisive approbation. Habits favorable to good morals and free Governments, are not usually most successfully cultivated in populous manufacturing cities. It is one of the consequences of such employments to render the laborer altogether dependent on his employer. This arises from the extent to which the division of labor is carried in great manufacturing establishments. He whose occupation it has been for his whole life to perform only one of the many operations necessary to the production of a single article, is necessarily among the most dependent of human beings. The trite example of the number of persons—sixteen or eighteen—who have all their several labors and operations in the production of a common brass pin, sufficiently illustrates my idea.

One of these laborers, utterly incapable of making and carrying to the market on his own account the smallest entire article, is necessarily at the mercy of the capitalist for the support of himself and family. Any cause which deprives him of that particular occupation for which only he is fit, by habit and education, throws him a burden on society. As such causes must occur often, it is in the neighborhood of such establishments that hands unemployed or ill employed will be found in greatest numbers.

It is in her manufacturing districts that England recruits her armies. It is there, principally, that those are found who have the least hold on

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society, and where necessities, or where habits, force them to the camp. I am not anxious to accelerate the approach of the period when the great mass of American labor shall not find its employment in the field; when the young men of the country shall be obliged to shut their eyes upon external nature, upon the heavens and the earth, and immerse themselves in close and unwholesome work-shops; when they shall be obliged to shut their ears to the bleatings of their own flocks, upon their own hills, and to the voice of the lark that cheers them at the plough, that they may open them in dust, and smoke, and steam, to the perpetual whirl of spools and spindles, and the grating of rasps and saws. I have made these remarks, sir, not because I perceive any immediate danger of carrying our manufactures to an extensive height, but for the purpose of guarding and limiting my opinions, and of checking, perhaps a little, the high-wrought hopes of some who seem to look to our present infant establishments for "more than their nature or their state can bear."

It is the true policy of Government to suffer the different pursuits of society to take their own course, and not to give excessive bounties or encouragements to one over another. This, also, is the true spirit of the Constitution. It has not, in my opinion, conferred on the Government the power of changing the occupations of the people of different States and sections, and of forcing them into other employments. It cannot prohibit commerce any more than agriculture; nor manufactures any more than commerce. It owes protection to all. I rejoice that commerce is once more permitted to exist; that its remnant, as far as this unblest war will allow, may yet again visit the seas, before it is quite forgotten that we have been a commercial people. I shall rejoice still further, when I see the Government pursue an independent, permanent, and steady system of national politics; when it shall rely for the maintenance of rights and the redress of wrongs on the strength and resources of our own country, and break off all measures which tend, in any degree, to connect us with the fortunes of a foreign Power.

When Mr. WEBSTER had concluded, the Chairman proceeded to read the second section of the bill.

Mr. McKIM, of Maryland said, he had, from the presentation of this bill, been of opinion that it embraced two objects which ought to be kept separate and distinct. Besides, some gentlemen might be disposed to give free scope to the industry and enterprise of the country, who were averse to a repeal of the prohibition of imposts. He therefore moved to strike out the second section of the bill repealing the non-importation acts.

Mr. CALHOUN said, he had only one observation to make. He hoped the provisions of this bill would all go together; that they would all stand or all fall.

Without debate, the motion was negatived.

Mr. OAKLEY, of New York, made two successive motions, the object of which was to do away

all penalties and forfeitures which shall have been incurred under the acts proposed to be repealed.

These motions were supported by Mr. OAKLEY, and Messrs. GASTON, KING of Massachusetts, and WARD, on the ground that the continuation of prosecutions and collections of fines and forfeitures would answer no end, the laws being repealed, but to enrich informers, without producing any salutary effect, as the object of penalties was not to avenge but to deter from violation of law, &c., and especially in cases of offences which were constituted by temporary laws; and were opposed by Messrs. WRIGHT of Maryland, and Mr. CALHOUN of South Carolina, on the ground of necessity of enforcing general respect to the Government and laws generally, as well as of particular statutes, and on the argument that the magnitude and evil of any wanton violation of law was in no degree lessened by the repeal of the law violated, but ought to be as rigidly punished as if the law were still in existence.

The proposed amendments were negatived; the first by a large majority, and the second by the following vote: For the amendment 52, against it 88.

Mr. CALHOUN moved an amendment to the second section of the bill, little more than verbal, going to include in the repeal so much also of any act or acts as prohibit the importation of the products of British territories in neutral vessels, &c.—Agreed to.

Mr. BRADLEY, of Vermont, then moved to strike out the third section of the bill (which is recited below.) If he understood its object, it was to permit a commerce to be carried on in neutral vessels from which our own vessels were shut up. This he believed to be contrary to the true policy of the country.

Mr. CALHOUN opposed the motion. It was advisable, he said, as far as possible, to keep our own seamen engaged in our own vessels or in our marine.

Mr. PICKERING, of Massachusetts, advocated the motion. He thought the section might produce much inconvenience, by preventing our citizens from going out to bring home vessels detained abroad, and but little benefit—because the low wages given by neutrals would be no inducement to our seamen to leave the high wages given in our service.

Mr. POTTER, of Rhode Island, opposed the motion. If the bill passed, all our commerce would be carried on with British capital, though under neutral colors; and, if this section was struck out, besides taking the carrying trade, the British would get our seamen also.

Mr. MURFREE, of North Carolina, supported the motion, principally on the ground of the discretion given to the collectors as to passports, &c., and the difficulty they would find in discriminating. This section, if retained, would prohibit the exercise of the right of emigration, to which every citizen is entitled, and was so obnoxious to him, that, unless it were struck out, he must vote against the bill.



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Mr. OAKLEY moved to amend the third section, which he considered it important to retain, by inserting in it the words "during the continuance of the war between the United States and Great Britain." This motion was agreed to.

A motion was then made to strike out the latter clause of the section, which goes to prohibit neutral vessels from taking passengers without passports.

The motion was opposed by Mr. CALHOUN, on the ground that this clause was necessary to give efficacy to the preceding part of the section.

The motion to strike out the latter clause of the third section was negatived. For the motion 57, against it 81.

The question then recurred on striking out the whole of the third section, being, as amended, in the following words:

Sec. 3. *And be it further enacted*, That no foreign ship or vessel, during the present war between the United States and Great Britain, shall receive a clearance, or be permitted to depart from the United States, whose officers and crew shall not consist wholly of the citizens or subjects of the country to which such ship or vessel shall belong, or of a country in amity with the United States; and no citizen of the United States shall be permitted to depart in such ship or vessel without a passport or permission therefor, furnished under the authority and direction of the President of the United States.

Mr. PITKIN, of Connecticut, advocated the motion to strike out this section, the provisions of which he considered impolitic, if not unconstitutional. It was contrary to the interest of our own people, which certainly favored the covering our property, during war, by the neutral flag, if it was practicable. The section proposed also to deprive the seamen of the United States of the right of going abroad, and would operate in the manner of impressment by forcibly detaining them in our service; and would also prove a hardship on neutral traders as well as on our own citizens.

Mr. FISK, of Vermont, said that though he should vote for this whole bill with much reluctance, for various reasons, yet if this section were stricken out, he must vote against the bill. He made a number of remarks in reply to Mr. PITKIN. He denied it to be any hardship to our seamen to prescribe the regulations under which foreign vessels should enter and depart from our ports, and expressed his surprise at finding the gentleman from Connecticut to have become so far a convert to the right of expatriation, as to believe it unconstitutional or objectionable to restrict our citizens from going abroad during war. If these seamen were to go out they would only be subject to capture by the enemy, and increase the number of American prisoners now in his possession.

Mr. POTTER, of Rhode Island, also opposed the motion for striking out the section, and made several appropriate remarks against the motion. If this section were stricken out, our commerce would not only be carried on with the capital and to the profit of British merchants, but would be

carried on by the employment of American seamen; who, if the bill were to pass, would scud to sea in foreign vessels as rats desert a sinking ship.

Mr. BRADLEY, of Vermont, supported his motion on the ground of indulgence to our seamen. He said that the argument by which it was supported savored too much of the policy now about to be abandoned, of keeping our ships and seamen at home, to prevent their being captured. Since commerce was to revive, he did not wish to restrain our gallant seamen from partaking in its benefits.

Mr. WRIGHT, of Maryland, also spoke against striking out the section, taking occasion, however, positively to deny that our gallant seamen were, as Mr. POTTER seemed to suppose, rats who would desert their country in its time of need.

Mr. NEWTON, of Virginia, also opposed the striking out of the section; although he did not believe the provision about passports would have the effect attributed to it, because it could be easily evaded. The whole bill would have the effect to throw into the hands of Great Britain the carrying trade of the world, as most of the neutral vessels would be British bottoms, and navigated by British capital. The whole system of licenses would be revived, with its attendant fraud and collusion. But if this section were struck out, even our own seamen would be made subservient to the same interests.

The question on striking out this section was negatived—for the motion 60, against it 80.

Mr. FORSYTH, of Georgia, then moved to amend the section by substituting for the word "citizen," in the latter clause of the section, the words "seaman, being a citizen." The motion was negatived by a large majority.

The Committee being about to rise and report the bill—

Mr. CALHOUN said he wished, before the Committee rose, to make a few remarks in reply to what had fallen from the gentleman from New Hampshire. That gentleman had said that it was now proved that the policy of the restrictive system was not truly American. If the gentleman meant that the continuance of that system had not been dictated exclusively by a sense of the interests of this country as affected by the state of other Powers, he asserted that which materially differed from the fact. If the gentleman meant that it had grown out of the state of the world, he was right. The system most indubitably grew out of the state of the world. The gentleman had not made the discovery he appeared to suppose; because this circumstance had been repeatedly avowed and never concealed. The gentleman had said that our measures should not be governed by the state of affairs in Europe; that it was our true policy to be independent of her; in other words, that no man was fit to be a statesman who knew anything of England, of Russia, or of any other Power of Europe. Mr. C. said, that while he admitted we ought not to form "entangling alliances" with other Powers, yet not to regulate our conduct in relation to com-

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mercial matters by the state of affairs in Europe, would be a course of policy imprudent and unwise. Every measure adopted in respect to foreign commerce must be predicated on a knowledge of the state of Europe. If not, we had better at once adopt the terrapin policy gentlemen have so much reprobated, and have not a cock-boat or sail on the ocean. The whole fallacy of the gentleman's argument (said Mr. C.) consists in this: the gentleman considers our measures as co-operating with those of the Emperor of France, and desires to produce the impression that we have common views and the same object with France. Such is not the fact. But the people of the United States, in pursuit of their own interest, have a right to seize on circumstances, however produced, whether by England, France, or Russia, and suit their commercial policy thereto. This was a position which Mr. C. said he should never renounce; and he thought no man who should deliberately consider the subject would differ from him in opinion. In this point of view we have co-operated with France; we have seized on passing events, and adopted measures applicable to the circumstances of the times and adapted to the policy of the country. Whatever there may be criminal or foreign in such policy, Mr. C. said he would readily assume. As to the stale charge of French influence, again insinuated at this day, he could not be expected to notice it; he detested and contemned it. It was ridiculous; it had nothing to do with this or any other question in this House, or with the policy of the Government. The object of the Government had been to control the maritime and commercial policy of the enemy; in this respect, the war and the restrictive system were identified; they were merely different means of asserting the same end, the noble end of the liberty of the seas, free trade and sailors' rights. Whether the one or the other should be pursued, or both, was a matter of election, to be decided by the exercise of a sound discretion. No imputation of improper foreign influence can be sustained against the Government for seizing on circumstances arising from the state of either France or England to adapt our measures accordingly. Even England regulates her conduct by that of France. And when nations regulate their policy by the circumstances of their enemies, might not we, whilst neutrals, regulate our conduct according to the circumstances of the belligerents? The restrictive system and this war have a common policy—to maintain our rights and compel the enemy to respect our just claims. It was believed by politicians on all sides that, owing to the situation of the world, the restrictive system was one which had, prior to the war, saved our commerce from foreign control and subjection, which had prevented us from being in fact recolonized. Suppose the policy of the gentleman had been pursued, and we had forgotten Europe, and been indifferent to British exactions and oppressions. What would have been the result? Our commerce would have been placed under the direction of England; it would have been carried on for her

benefit; she would have kept on monopolizing and monopolizing, until not only our carrying trade, but our direct trade, and even our coasting trade would have been destroyed. We had commenced resistance by the restrictive system. It would have been wiser, Mr. C. said; in his opinion, if we had begun with war, and if he had then been a member of this House he would have preferred that course. That the two systems of war and restriction were consistent with each other was all that he contended for. We were now, he said, in pursuit of the good old policy to which we have been compelled to resort, of resisting by war the maritime oppressions of Britain, which began with the rule of '56, and gained strength in the power and ambition with which the Administration of Chatham inspired the councils of England. It had continued growing until it had compelled this country to leave the sweets and ease of neutrality to encounter the hazards and hardships of war. What would be lost by giving up the restrictive system, Mr. C. said, would be made up by increased vigor to the war. We should still be able to coerce the enemy; we could still act and act more strongly on his provinces; we could commit depredations on his commerce by our privateers; and the very circumstance of war existing with Great Britain, together with the operation of the double duties, would still retain, as to her, two-thirds of the commercial restrictions which now exist. I hope (said Mr. C.) the gentleman will not assert that this House or the Government has co-operated in the views of France. I hope the gentleman believes us to be too honorable men for that, and that we stand on American ground. History will view the conduct of this Government in that light; and will record that we acted by ourselves, unconnected and uncontrolled by any foreign nation.

Mr. WEBSTER said, although the gentleman was very willing to part with this restrictive system, it was very natural that he should feel for it something like the feeling for a departed friend, and should desire to make it appear respectable when near its end. He now rose to correct an impression his former remarks appeared to have made on the gentleman's mind. The great objection which he had before offered to the restrictive system was, that it was a measure which for its success depended on the course of events in foreign nations. He had made no observation as to motives; the occasion did not call for it; but he contended that the system about to be abolished was a system of false policy altogether; in other words, that "the good old-fashioned policy" was that from which we should never have departed. We ought to have asserted our rights by our own strength, and not, even for the purpose of effecting a great object, have resorted to a course of measures which must be inoperative; we ought to rely for the maintenance of our rights and redress of our wrongs on our own power, and not adopt a policy depending on others to make it efficient. Of late our policy had been so wavering, one day voting this system good, another day bad, that our acts and statutes frown at each other

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on record in the most positive spirit of contradiction.

Mr. WRIGHT, of Maryland, in a few words explained his ideas of the embargo. He had believed it a wise measure, and had supported it. But the circumstances of Europe had essentially changed, and with them the grounds of the measure. Of such changes it was right for the Administration to take advantage; and he believed the Executive had, in recommending its repeal to Congress, no more than done its duty.

Mr. WILLIAM REED spoke as follows:—

Mr. Chairman: On no occasion, since I have had the honor of a seat in this House—which has been during the period of that awful transition of our country, from the enjoyment of the blessings of peace and prosperity, in a degree unexampled in the history of the world, to those scenes of imbecile, wasteful, disastrous, and distressing war, that have within this short period passed before us, and need not now be repeated; and which, but for the brilliant successes of our little navy, (that precious relic of better days,) would have sunk the mind of every patriot in the slough of despair—have I been called to act on any proposition of more doubtful expediency than is embraced by the bill now before us.

It has been no small relief to my mind, that the mistaken policy of converting the resources of our country, in the unrestrained enterprise of our citizens, into the weapons of offensive and defensive war, by restrictions as impolitic as unnatural, would find its grave in the consequences it would inevitably bring down upon its authors; who, while they hold the responsible station of "riding on the whirlwind, and directing the storm of war" they have raised, must be taught from experience, generally a dear school, those impressive lessons, which were urged with so much sensibility by that unfortunate but unheeded class of men, (the merchants,) whose interest anticipated so justly their impolicy and inefficacy; nor can I withhold entirely the expression of those feelings of honest triumph—sir, I mean not ostentatious boasting—at the dawn of that day which is to consign the last relic of a visionary and ruinous policy to the tomb of "all the Capulets." And did it appear to me, sir, said Mr. R., that more than the dawn of this glorious day had arrived, and that it had reached its meridian splendor, I should have felt much less, if at all, the necessity which now compels me reluctantly to abandon the course I have generally pursued, of giving a silent vote on the passage of this bill. But, sir, when I find in the Message of the President, recommending this new course of policy, and in the concurrent report which has been presented by the eloquent chairman of the Committee of Foreign Relations, and also in the argument which he has urged to this committee for the adoption of this bill, no other reason assigned but the late changes in the circumstances of friendly European Powers; changes which, as far as I have been able to ascertain, are in every case unfavorable to the extension of American commerce. Let us briefly examine, sir, what

these changes are—Russia and Sweden in the North, and Spain and Portugal in the South of Europe, are the same. Denmark, Holland, all Germany, and Italy, have, indeed, changed, from the paramount influence of France, *our ally*, to the same degree of influence on the part of England, *our enemy*. How these changes are considered favorable I am at a loss to discern. France has also changed her attitude, but it alters not her relative situation with this country, unless we connect this expiring system with the Continental system of Bonaparte, now exploding with the allies; which I presume is not intended by the friends of this bill. Therefore, sir, as I cannot trace the reasons assigned to any tenable basis, I am constrained to attribute this bill rather to the financial necessities of the day, than a correction of theory on the subject of commercial regulations. Indeed, sir, I tremble, lest the only benefit I had ever anticipated for the immense sacrifices on this experiment, viz.: a practical demonstration of the axiom "that interested individuals are the best judges of their own affairs, and that much legislation ever distracts and destroys commerce," which requires only the aid of steady laws for its protection, is about to be lost by a premature relinquishment of it. Lest, however, I should be misunderstood in the argument I shall presently urge against the expediency of repealing these laws at this moment—as having changed my views of their real character—I beg leave here to remark, that the impressions, which at the first resort to them were made upon my mind, have since been too strongly confirmed by their ruinous consequences on our country generally, as well as on the State I have the honor to represent, ever to be effaced, and, especially so, on most of my fellow-citizens dependent on the operations of commerce, whose distresses have long since sickened me to loathing of everything like commercial restrictions.

Yet, sir, while I feel this conviction so deeply, I cannot overlook the great number of respectable men, in and out of this House, whose influence has so long predominated in the councils of this nation, that are not yet satisfied with the experiment. I am disinclined to its removal at the moment when the correction of the public mind is in rapid progression, and when a short time, without any new sacrifice, will so far cleanse the body politic, as to leave no further hopes to the expedients of quackery.

Convinced, too, as I am, sir, that a firm adherence to a favorite policy, until satisfied of its true character, is not less an evidence of integrity in one class than its abandonment by others, also its former friends, I do expect that a short time will number all those who now adhere to it with the majority; whom I expect, on the final passage of this bill, to renounce, with genuine magnanimity, their once plighted faith. The conviction that is slowly made, is not the less deserving of confidence. Therefore, as in time of war with a great naval Power that blockades our whole coast, nothing more will be permitted to pass the enemy but what suits his own convenience, no essential

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relief can be given to the suffering citizens of this country. With all my convictions against the policy, I would rather endure a little longer than hazard so much by its repeal at this time.

But, sir, the half is not told you; and had it been the embargo only that was affected by this bill, the advantages to arise from the return of our coasting trade unshackled, and the comforts of our citizens, relieved from the pestering group of official pimps and informers, would have compensated for the repeal of that act alone, was it not connected with other very important considerations, and would also have saved me the pain of separation from my political friends on this question; with whom it is my pride and happiness generally to act, and whose candor and charity I solicit on this occasion. Differing from whom, nothing but the responsibility of my station, and the firm conviction of my own judgment, could sustain me in voting against a measure which is hailed by them, and I should rejoice to have it so prove, as the precursor of that millenium in the political and commercial world we have so long and ardently desired.

Sir, I have before alluded to other considerations that have still greater weight on my mind, than merely the danger of recurring, at a future day, to the embargo policy. I will proceed briefly to state them, and, in doing this, I shall attempt little more than an examination of the natural effects of our relative situation with the enemy, under the repeal now contemplated.

It is a fact well known, and is shown by the reports from the Secretary of the Treasury, that, in times of peace and free trade, our exportations to England fell several millions annually short of our imports of her manufactures; the balance of which was supplied from the excess of our exports to the Continent. It is also true, that since the enactment of the non-importation act against England only, that is, since the Proclamation of the President, of the 2d November, 1810, exchange has steadily been in favor of this country, from six to twenty per cent. This is stated to show what must be the natural and inevitable consequence of opening our ports for the unrestrained importation of her manufactures, which it will be for her interest to encourage. Is it not obvious, that while under the neutral flag (at this time another term for her own, whitewashed) they will permit the export, under the general blockade, only of such raw materials as may supply their own wants, and nothing for your benefit; and that the consequence must be the draining, to the last dollar, the specie of this country in payment of the balance for their manufactures? It is unavoidable. I am aware, sir, that I shall be answered, that we have on our table a bill to prevent the exportation of specie. But this does not satisfy me; until the nature of man is changed, it cannot be executed. It is but a remnant of this restrictive policy, and an awkward apology for its abandonment, when, from its former friends, none is necessary.

We have for years been stunned with the clamor of British monopoly. May it not now be

asked, what has England attempted, that our measures for years past have not assisted her to accomplish? We complained that she dreaded us as rivals, and modestly retired, under an embargo of eighteen months, to husband our resources, and, by our state of war, have thrown into her hands the commerce of the world; and lest this should not satisfy her, we now propose to add thereto the trade of this country, with every facility in our power to give, for its accomplishment. What more can we do? What inducement can we hold out to her for peace with us? I know of none. Indeed, sir, it seems to me the pledge of interminable war, unless our enemy, in pity to the good people of this country, shall grant us peace in defiance of their own interest. And when, in addition to all this, they have tried the benefits of that trade, which, in the hands of the citizens of this country, yielded, in freight only, the annual value of more than thirty millions of dollars, I can see in it only a bonus to the enemy to continue the war, until they get our last dollar, and the last timber of our ships shall rot at the wharves.

These reasons are sufficient, sir, to induce me to vote against the bill at this time, and to urge this Committee not to adopt a measure fraught with such important consequences, but to wait until we shall hear from our Ministers of peace at Gottenburg, which we all hope will release our country of its greatest curse—this war; when we may hope to avoid not only these serious evils, but with them, too, the disgrace that inevitably attaches to any Government pursuing a policy so vacillating as we shall by passing this bill. I must beg the patience of the Committee, while I call their attention to the Message of the President on the 20th July, 1813. It is as follows:

"There being sufficient ground to infer that it is the purpose of the enemy to combine with the blockade of our ports special licenses to neutral vessels, or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains unobstructed; keeping in view also the insidious discriminations between different ports in the United States; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British monopoly, I recommend to the consideration of Congress the expediency of an immediate and effectual prohibition of exports, limited to a convenient day in their next session, removable, in the meantime, in the event of a cessation of the blockade of our ports."

With your leave, sir, I will finish reading the few authorities I feel constrained to bring to the attention of the House on this occasion. The next is the Message of the 9th December last, of which I shall only read the two first and the last paragraphs, viz:

"The tendency of our commercial and navigation laws, in the present state, to favor the enemy, and thereby prolong the war, is more and more developed

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by experience. Supplies of the most essential kinds find their way, not only to British ports and armies at a distance, but the armies in our neighborhood, with which our own are contending, derive from our ports and outlets a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters are, by like supplies, accommodated and encouraged in their predatory and incursive warfare."

"Abuses having a like tendency take place in our import trade: British fabrics and products find their way into our ports, under the name and from the ports of other countries; and often in British vessels disguised as neutrals, by false colors and papers."

"To shorten, as much as possible, the duration of the war, it is indispensable that the enemy should feel all the pressure that can be given to it; and the restraints having that tendency will be borne with the greater cheerfulness by all good citizens, as the restraints will affect those most who are most ready to sacrifice the interest of their country in pursuit of their own."

Sir, I will not detain you nor the Committee long by a labored commentary on these two papers; they are in the hands of every one, and every one can understand them; nor shall I make professions of unbounded confidence in the President, it is not necessary for my present purpose; but if the facts stated in them were true when presented to this Congress for their consideration, and nobody ever denied the facts, they are equally true now, and if experience developed their necessity in December, reason teaches every man that the same necessity exists in greater force now than it did then; and if indispensable then, to bring the war to a speedy issue, they are more so now.

Sir, although as a partisan I feel no personal responsibility of the measures of the Administration, I cannot, nay, I would not but be an American, for, "with all her faults, I love thee," and I cannot separate myself, as such, from the disgrace that attaches to such vacillating conduct. Would to Heaven they were not on record, but since they are, and my vote must be so too, I'll have no share in an act so humiliating, so degrading to my country.

The Committee then rose, and reported the bill to the House.

Mr. BRADLEY renewed the motion he had made in Committee to strike out the third section of the bill. This bill, he said, whilst it would benefit the merchant and grower of produce, would prostrate the manufactures and seamen, to which two classes we were most indebted for what gave character to the country. What would be the impression of our seamen, he said, when they found themselves shut up, and our trade wholly carried on by foreigners? As the bill now stood, the interest of the seamen was openly abandoned.

Mr. CALHOUN said, he, as a grower of produce, should certainly feel an interest in striking out that section, as it was the interest of the planter to let commerce run in any channel it might wear for itself. But it was deemed advisable to retain our seamen as much as possible from foreign, and

in our own, service. As to the manufacturing interest, it could not be considered as disregarded, when there existed a duty of fifty per cent. on the invoice duty of foreign goods. If this was not encouragement, he knew not what was. The vote of the House yesterday required a general tariff to be laid before it conveyed a pledge that the manufacturing interest should be protected. Double duties would not protect it properly; double duties on coffee and sugar offered no encouragement to the manufacture of broadcloth. He hoped to see manufactures encouraged by appropriate duties, and had no idea of their being left without such protection.

Mr. FORSYTH made a motion to strike out the last clause of the third section; which motion took precedence of the motion to strike out the whole, and was first decided.

This motion was opposed by MESSRS. CALHOUN, POTTER of Rhode Island, WRIGHT, FISK of Vermont, and GHOLSON; and supported by MESSRS. FORSYTH, GASTON, ROBERTSON of Louisiana, and MURFREE, on the grounds before briefly stated.

Mr. FORSYTH's motion was decided by yeas and nays—For the amendment 65, against it 75, as follows:

YEAS—Messrs. Barnett, Baylies of Massachusetts, Bigelow, Bradbury, Bradley, Breckenridge, Brigham, Caperton, Champion, Chappell, Cilley, Cooper, Cox, Cuthbert, Davenport, Ely, Forsyth, Gaston, Geddes, Hale, Hanson, Hawes, Howell, Hungerford, Jackson of Rhode Island, Kennedy, Kent of New York, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Lowndes, Macon, Markell, McKim, Moffit, Moseley, Murfree, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, William Reed, Ridgely, Robertson, Ruggles, Seybert, Sheffey, Sherwood, Shipperd, Smith of New Hampshire, Smith of New York, Stanford, Stuart, Sturges, Tallmadge, Vose, Ward of Massachusetts, Webster, Wheaton, Wilcox, and Wilson of Massachusetts.

NAYS—Messrs. Alston, Anderson, Archer, Bard, Beall, Bowen, Brown, Butler, Caldwell, Calhoun, Clark, Comstock, Condict, Conard, Crawford, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Evans, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Goodwyn, Gourdin, Grundy, Hall, Harris, Hasbrouck, Hawkins, Humphreys, Ingersoll, Ingham, Irving, Jackson of Virginia, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lefferts, Lyle, McLean, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Potter, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Sevier, Sharp, Skinner, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Udree, Ward of New Jersey, Wilson of Pennsylvania, Wright, and Yancey.

So the House resolved not to strike out the last clause of the third section.

The question then recurred on Mr. BRADLEY's motion to strike out the whole section; and a motion for that purpose succeeding, the House adjourned.

THURSDAY, April 7.

Mr. SEYBERT presented a petition of sundry manufacturers of woollen goods in the city of

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Philadelphia, praying that Congress will take their situation into consideration, and adopt measures for their protection and encouragement.—Referred to the Secretary of the Treasury.

Mr. EPPES, from the Committee of Ways and Means, reported a bill to augment the compensation of the Accountant of the War Department, and of the Paymaster General; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. EPPES also reported a bill for the relief of John D. Hay; which was read twice and committed to a Committee of the Whole to-day.

The amendment of the Senate to the bill "for the relief of Mary Cheevers" was read, and concurred in by the House.

The bill from the Senate, "authorizing an augmentation of the marine corps, and for other purposes," was read twice and referred to the Committee on Naval Affairs.

The bill from the Senate, "directing the disposition of money paid into the Courts of the United States," was read twice and, committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed the bill "for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," with amendments; in which they ask the concurrence of this House.

#### REPEAL OF THE EMBARGO.

The House resumed the consideration of the unfinished business, being the bill to repeal the embargo and non-importation acts.

The motion to strike out the third section of the bill (prohibiting foreign vessels from taking on board American seamen) being still before the House—

The motion was opposed by Mr. RHEA, of Tennessee, as opening the door to the enticement away of our seamen, &c.; and, if it were agreed to, our seamen would be taken off by neutrals, used by them as long as convenient, and then turned adrift without any provision for their return; that our seamen would besides be liable to impressment by the enemy; and that these evils were too great to be endured merely for the sake of conciliating neutrals.

The motion was supported by Mr. ROBERTSON, of Louisiana, Mr. LOWNDES, of South Carolina, Mr. GROSVENOR, of New York, Mr. DUVAL, of Kentucky, and Mr. MURFEE, of North Carolina, on various grounds, among which were the following: That it was in the nature of a sanction to the principle of impressment; that it would have an effect very different from that which was expected from it, because the appearance of restraint would tend to drive our seamen from our service; that it would in fact act oppressively on those seamen who, not being employed in our own marine, might be left destitute of employment by the retention of such a provision; that there was no occasion for this section to facilitate the manning of our public ships, because there would be no difficulty in manning them, nor ever had been

of late, except for the fear in the seamen of being employed in the Lake service; and, that, if there were any difficulty, the very passage of such an act, going to make a prison of our country, would increase rather than diminish it.

Mr. GROSVENOR rejoiced at the two first sections of the bill; he regretted that when the restrictive system which had been productive of so much injury, was about to be abandoned, they should keep any vestige of it. Unless there was some great necessity for the third section, it ought to be stricken out; he doubted the power of Congress to pass the third section. He wished not to be misunderstood on this point; that a nation had a right to prohibit their citizens from emigrating, he had no doubt; it was an attribute of sovereignty; but the question was, where did the power lie? Our Government was a complicated piece of machinery, the General Government had certain powers delegated to them by the Constitution and Congress could not go beyond those powers. He wished to know where the power was given in the Constitution to Congress, to prohibit native Americans, from leaving the country in neutral vessels—he believed the power resided in the States and it had not been delegated to Congress. He would be glad if gentlemen would point out that part of the Constitution which allowed Congress to prohibit the departure of any American in neutral vessels, unless he be guilty of some crime. He had very serious doubts on the subject, and the section ought not to be retained, unless some great practical good could be effected by it. He had great objections to make the United States a great prison, and he should be sorry to see this anomaly unless it would be productive of some great benefit. Would this section, he asked, keep the sailors here? It would not. If the sailors were prohibited from going to sea in neutral vessels, whenever they went out in American vessels they never would return. What was the object of the bill? To open our commerce for the benefit of the sailors—"for free trade and sailors' rights." This section would drive those sailors from the country. As to the idea about manning our public ships, he did not believe we had sailors enough for our frigates. When at the Eastward, last Summer, he had been informed by Captain Stewart, the commander of the Constitution, that the only difficulty in obtaining sailors was their repugnance to be sent to the Lakes. Believing there were doubts as to the Constitutional power of Congress to pass the third section, and that as no benefit could occur from retaining it, he should vote in favor of the motion for striking it out.

The question on striking out the third section of the bill was taken by yeas and nays. There were for striking out 70, against it 78, as follows:

YEAS—Messrs. Bard, Baylies of Massachusetts, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Champion, Chappell, Cilley, Cooper, Cox, Culpeper, Cuthbert, Davenport, Duval, Ely, Farrow, Forsyth, Gaston, Geddes, Grosvenor, Hale, Hawkins, Howell, Hungerford, Jackson of Rhode Island, Kennedy, Kent of New York, King of Massachusetts, King of North Carolina,



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Lewis, Lovett, Lowndes, Macon, Markell, McKim, Moffit, Moseley, Murfree, Pearson, Pickering, Pitkin, Post, John Reed, William Reed, Ridgely, Robertson, Rugles, Seybert, Sheffey, Sherwood, Shipherd, Smith of New Hampshire, Smith of New York, Smith of Pennsylvania, Stanford, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Ward of Massachusetts, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wood.

NAYS.—Messrs. Alexander, Alston, Anderson, Archer, Barnett, Beall, Bowen, Brown, Butler, Caldwell, Calhoun, Clark, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Earle, Eppes, Evans, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Humphreys, Ingham, Irving, Jackson of Virginia, Johnson of Kentucky, Kent of Maryland, Kerr, Kershaw, Kilbourn, Lyle, McCoy, McLean, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Potter, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roane, Sevier, Sharp, Skinner, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

So the House refused to strike out the said section.

Mr. McKim, of Maryland, then moved to strike out the second section of the bill (which repeals the several non-importation acts.)

The question having been stated—

Mr. McKim, of Maryland, said, after the vote of yesterday on this amendment in Committee of the whole House, he rose under circumstances of peculiar discouragement to offer a few observations on the subject. The bill contains two distinct principles—one to repeal the restrictions on exports, the other to repeal the restrictions on imports. All the arguments I have heard in support of the bill, said Mr. McK., went exclusively to the first part of it—to the repeal of the restrictions on exports—and these arguments are perfectly intelligible to my mind. The embargo puts a total stop to our exports; it locks up the entire of our produce. A few loads of lime and lumber, to rebuild a village that has been destroyed by fire, cannot be brought from another district in the same State, nor even a vessel be removed that has been caught in our waters by the embargo, although exposed to the most imminent danger of being destroyed by the enemy. The embargo paralyzes the industry and exhausts the resources of the nation. I can readily perceive the force of the arguments; and I admit, that a measure operating so severely on our citizens, ought not to be continued without some imperious necessity, or that some corresponding benefit be derived, to reward them for the sacrifice. And, although the embargo is producing all the benefit I ever expected from it, yet, if the second section be stricken out of the bill, it is probable I could make up my mind to vote for the repeal of the measure.

The embargo prohibits all exports, but the non-importation laws are of a different character; they prohibit the importation of goods the growth or manufacture of the enemy only. Our ports are

open to the admission of the produce and manufactures of all the world, except those of the enemy; and I have heard no reason, nor can see any reason, why they should be admitted. I would be glad to know what extraordinary necessity has pressed this measure on us at this time. Do we suffer for the want of clothing, or any other necessary or comfort of life? Can we not obtain from our own industry, and from friendly foreign nations, all that our wants require, and all that our ideas of comfort have rendered necessary? I can see no necessity for calling in the products of the enemy to our aid; and I feel unwilling to make the acknowledgment to the enemy that we cannot exist without his products.

Seeing no reason why this restriction should be removed, and believing that no solid reason can be adduced in support of the removal, I will advert to some of the evils that, in my opinion, will result from it. From the numerous restrictions imposed on our commerce by the enemy, and those imposed by our own Government, a large portion of our citizens have been forced to relinquish their usual avocations, and been obliged to seek new modes of employing their industry and capital, for the support of their families. From these causes, their attention has been turned to manufacturing. Much of the capital and industry of our citizens, usually employed in commerce, have from the operation of these causes, been forced into manufacturing establishments; and although, in my opinion, the duties now imposed on imports are abundantly sufficient, in the ordinary course of things, for the protection of the manufacturing interest of the country, yet I doubt whether they will be sufficient to support that interest against the shock that will be produced by letting in upon them, without restraint, a flood of European manufactures. The manufactures of Great Britain have been, to speak metaphorically, dammed up for several years; and if this accumulated mass of foreign goods be let loose on our infant establishments, with the superior skill and capital of the European manufacturer, I fear our manufacturing establishments will be much disturbed, if not overthrown. I do not believe the double duties will be sufficient to guard them against this shock, although I admit they are sufficient, and more than sufficient, in ordinary times, to enable them to hold a competition with the European manufacturer. If there were any pressing necessity, however, for the proposed repeal of the existing prohibition of British products, I might think it expedient to vote for it; but I would be glad to know what is the necessity that calls for this provision in the bill. Are we suffering, I repeat it again, for any necessary whatever, that calls for such a concession to the enemy? I believe not. I therefore consider it unwise to run the hazard that may result from the experiment. I admit, that if it be necessary to the safety or the prosperity of the nation to pass the provision which I have moved to strike out of the bill, the interest of the manufacturers, being a subordinate interest, must yield to the general good. But I must remark, that the manu-

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facturing interest, although not the greatest, is still an important interest of the nation. By the returns made by the marshals in the year 1810, which, however imperfect, are the best data to which we can resort on the subject, it appears that the domestic manufactures of the United States amounted, in that year, to about two hundred millions of dollars. The exports from the United States, in domestic produce, in favorable years, we know, has not exceeded about sixty millions of dollars. It thence results, that the manufacturing interest of the country is greater in amount than the commercial interest, and is subordinate only to the agricultural interest of the nation.

It may be presumed, that the raw materials employed in producing the two hundred millions, *in value*, of manufactured goods made in the year 1810, were not increased in value, by the manufacturing process, more than 100 per cent.; consequently it will appear, that one hundred millions of dollars, *in value*, of the raw materials and produce of the country, were in that year worked up into manufactured goods, and have found a market at our own doors, free from spoliation of enemies, and from vexation of any kind.

If my view of the subject be correct, even in principle, it ought to induce the agricultural interest in the House and in the nation to reflect well on the expediency of any measure that may have a tendency to injure our growing establishments, from which they derive such important benefits, in the supply of their wants, and in furnishing a market at their doors for so large a portion of their produce.

These considerations induce me to believe, that an enlightened policy does not require the Government, at this time, to remove the restrictions on the importation of the manufactures of the enemy. I hope the motion will prevail, and the second section of the bill be stricken out.

Mr. CALHOUN, of South Carolina, said he hoped the motion would not prevail. He thought the gentleman was mistaken in supposing that our infant manufacturing institutions would be embarrassed by this measure. What was the encouragement which they now received from the Government? The *ad valorem* duties now averaged about 33½ per cent. Most of the importations being in neutral bottoms, the discriminating duty of 10 per cent. on such importations in foreign vessels, would make it 43 per cent.; and, when were added to this the freight, and other expenses incident to a state of war, the actual duty on foreign and premium to domestic manufactures could not be less than fifty per cent. Was it wise to extend to our manufactures further encouragement than this? During a state of war, too great a stimulus was naturally given to manufactures—a stimulus so great that it could not be expected to be continued in a time of peace; and when peace comes, come when peace will, the vicissitude which manufacturers must experience will be much greater and injurious to them, if besides the double duties the restrictive system were retained, than it ought to or would

otherwise be. The great requisite to the due encouragement of manufactures now was, that certain manufactures in cottons and woollens, which have kindly taken root in our soil, should have a moderate but permanent protection insured to them. He knew not how that object could be better effected than by the scheme of establishing a new tariff of duties, which this House had shown a determination to adopt. To continue the present non-importation system merely to protect manufactures, when they received already so much protection, would be dangerous instead of beneficial to them. Another circumstance, than those he had adverted to, now operated to encourage manufactures—the heavy expenditure for the clothing of our Army. The Government could and did regulate those expenditures, as far as possible, for the encouragement of manufactures. Having replied to the main point of the gentleman's argument, he would not follow him through the whole of his remarks. As to her manufactures, Mr. C. said that all Europe was open to the enemy. The very circumstance of this demand for her manufactures, which destroyed the efficiency of our non-importation system, by enhancing their price in the British market, would furnish additional encouragement to our manufactures. Could it be expected, under the present circumstances of the world, that our non-importation, violated as it constantly was by smuggling and simulated papers, could produce much effect? He believed not. All the arguments he had yesterday urged, applied as forcibly to this provision of the bill as to that which contemplated a repeal of the embargo. He hoped all the provisions of the bill would be permitted to share the same fate.

Mr. McKIM said he had admitted, when up before, that the double duties would be abundantly sufficient encouragement to manufactures in ordinary times; but, whenever British manufactures were let in, he believed they would not only break down the manufacturers, but the importers also. He had seen times like that which he apprehended, at the close of the last war, when an inundation of British goods flowed in. Mr. M. said he wanted to hear some of the reasons explained why we should declare to the enemy that we cannot live without her manufactures. The double duties, he repeated, were a sufficient protection in general to manufactures; but, until our manufactures acquired greater strength, he did not wish to see them subjected to the pressure they would experience from a repeal of the non-importation.

Mr. CALHOUN said, that to the last part of the gentleman's argument, the answer was decisive. It was well known that there was nothing more difficult to execute than a non-importation law, as well by direct smuggling as by false papers. This hazard ought not to be encountered, unless there was a prospect of very powerful good to result from it. Mr. C. contended that no such prospect existed now. Whatever it might have been formerly, there was no chance of decisive effect from this system now—all Europe being

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open to British manufactures. Such, besides, was the difficulty of executing such a system, that the President had, at the present session, recommended the prohibition entirely of certain articles known to be produced in Great Britain—the smuggling of which was so difficult to be prevented, that it could not be done unless their importation was also prohibited from all other parts of the world.

Mr. POST, of New York, said he did not rise at this time to enter into the general argument on this subject, but merely to remark, in reply to the two gentlemen who had spoken, that they labored under a material mistake in regard to the manufacturing interest, and that much pains had been taken to diffuse through the public prints ideas of the same kind as those they appeared to entertain. He barely wished now to say, that it never would be to the interest of the manufacturers generally for Government to take them under its fostering care. It was our true policy, in regard to them, to have laws of such a character as not to be subject to fluctuation, and then let industry take its own course. That manufacture which required the protection of high bounties, was not worth the attention of the Government. The experience of years past would support this remark, during which time our manufactures had grown rapidly without the aid of the Government. It never ought to have been expected that Government would lay protecting duties. When the subject of the general tariff came before the House, this subject might be fully discussed; he merely threw out these general remarks, as they might tend in some degree to do away a mistake which appeared to pervade the nation in regard to our manufactures.

The question on striking out the second section of the bill was decided in the negative—yeas 34, nays 110, as follows:

YEAS—Messrs. Bard, Barnett, Caldwell, Clopton, Conard, Crawford, Denoyelles, Desha, Evans, Franklin, Griffin, Hall, Hasbrouck, Hawes, Hawkins, Ingham, Johnson of Kentucky, Lefferts, Lyle, McKim, Moore, Nelson, Newton, Ormsby, Parker, Piper, Potter, William Reed, Roane, Strong, Troup, Wood, Wright, and Yancey.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Baylies of Massachusetts, Beall, Bigelow, Bowen, Boyd, Bradbury, Breckenridge, Brigham, Brown, Butler, Calhoun, Champion, Chappell, Cilley, Clark, Comstock, Condict, Cooper, Cox, Creighton, Crouch, Culpeper, Cuthbert, Davenport, Davis of Pennsylvania, Duvall, Earle, Ely, Eppes, Farrow, Findley, Fisk of New York, Forney, Forsyth, Gaston, Gholson, Goodwyn, Gourdin, Grosvenor, Grundy, Hale, Harris, Hasbrouck, Hawes, Howell, Humphreys, Hungerford, Ingersoll, Irving, Jackson of Rhode Island, Kennedy, Kent of New York, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Lowndes, Markell, McKim, McLean, Moffitt, Montgomery, Moore, Moseley, Murfree, Oakley, Pearson, Pickering, Pickens, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Robertson, Ruggles, Sevier, Seybert, Sharp, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stanford, Stuart, Stur-

ges, Taggart, Tallmadge, Taylor, Telfair, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, White, Wilcox, Wilson of Massachusetts, Wilson of Pennsylvania, and Winter.

So the House determined against the motion.

On motion of Mr. BRADBURY, of Massachusetts, a fourth section was added to the bill, providing that the President should cause the collectors throughout the United States to be furnished with blank passports for the purpose described in the third section, with a view to save time to individuals desiring to procure the same.

Mr. NELSON, of Virginia, then moved to strike out the first section of the bill, which contemplates a repeal of the embargo. Being opposed to every part of this bill, he wished to record his vote against every section of it.

The question on this motion was taken without debate and decided as follows:

YEAS—Messrs. Bard, Barnett, Caldwell, Clopton, Denoyelles, Desha, Earle, Franklin, Hall, Hawkins, Johnson of Kentucky, Lyle, Macon, Nelson, Newton, Ormsby, Parker, Roane, Strong, Troup, Whitehill, and Yancey—22.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Baylies of Massachusetts, Beall, Bigelow, Bowen, Boyd, Bradbury, Breckenridge, Brigham, Brown, Calhoun, Champion, Chappell, Cilley, Clark, Comstock, Condict, Conard, Cooper, Cox, Crawford, Creighton, Crouch, Culpeper, Cuthbert, Davenport, Davis of Pennsylvania, Duvall, Ely, Eppes, Evans, Farrow, Findley, Fisk of New York, Forney, Forsyth, Gaston, Geddes, Gholson, Goodwyn, Gourdin, Griffin, Grosvenor, Grundy, Hale, Harris, Hasbrouck, Hawes, Howell, Humphreys, Hungerford, Ingersoll, Ingham, Irving, Jackson of Rhode Island, Kennedy, Kent of New York, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lefferts, Lewis, Lovett, Lowndes, Markell, McKim, McLean, Moffitt, Montgomery, Moore, Moseley, Murfree, Oakley, Pearson, Pickering, Pickens, Pitkin, Pleasants, Post, Potter, John Reed, William Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Robertson, Ruggles, Sevier, Seybert, Sharp, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stanford, Stuart, Sturges, Taggart, Tallmadge, Tannehill, Taylor, Telfair, Thompson, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, White, Wilson of Massachusetts, Wilson of Pennsylvania, Winter, Wood, and Wright—126.

So the House refused to strike out the said first section of the bill.

The question was then stated on engrossing the bill for a third reading.

A debate of considerable length now took place, an abstract of which, mainly, can only be given of the ground occupied by the respective speakers.

Mr. POTTER, of Rhode Island, said, as he represented a commercial and manufacturing State, and intended to vote against the bill under consideration, he felt it his duty to assign his reasons for so doing. He said if the motion made by the gentleman from Maryland, (Mr. McKIM,) to strike out the second section of the bill, containing the repeal of the non-importation act, had prevailed

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he should vote for the residue of the bill, although he considered the embargo of very little importance to this country in any other view than as it respected the coasting trade; he said it was the British blockade and the war, and not the embargo, from whence most of our difficulties originated. The embargo was recommended by the President with a view to get rid of the blockade, by compelling the British ships to leave our coast. But, Mr. P. said, if there were any reasons to put it on last Winter, there were now ten times as many to continue it. It had been on a little more than three months, and now it was to be abandoned upon very short notice. Why it was put on, or why taken off, we are left to conjecture. When it was put on, the British ships must have had plenty of provisions to last them until this time; it relieved their ships from very dangerous positions on their blockading stations during the inclement season of the year, and permitted them to retire into our bays and rivers to spend the Winter in safety and ease, while our vessels were safely locked up by the embargo.

Mr. P. said the only time that our vessels could have stood much chance to get to sea was in long dark nights, and stormy tempestuous weather, when the British ships were compelled to leave their stations; and now when the wintery storms are past, and the weather mild and pleasant; when the British ships can take their stations with ease and safety to themselves; when their provisions are exhausted, and a large fleet and army on our coast; when our vessels are completely and effectually blockaded, and the whole nation imprisoned within their territory, unless by the consent of the English, we are to take this embargo off, when it will be of great advantage to them, and very little to us, unless we had the power to remove the blockade, as we cannot go from one State to another, unless by their permission.

Mr. P. said, though not in the majority, he could but feel an interest in the character of the nation. What would the people think of such instability in the Government? When the British blockade, we lay an embargo; when they refuse to grant licenses, we make it penal to receive them; when they refuse to ransom any more of our vessels, we refuse to be ransomed. One day we talk of a National Bank, the next about taxes. We are continually changing from one expedient to another, like a man in pain, changing from one side of his bed to another for relief, without removing the pain; and it will be so with us, until we get rid of the ruinous war in which we are engaged. We are one day for continuing the restrictive system, and in a few days it is to be taken off by almost an unanimous vote. The supporters of the Administration in the several States have a very hard time to follow their leaders. By the time expresses are sent to the distant parts of the United States to notify the people that an embargo is laid, and the bustle and speculation that it occasions has a little subsided, and the friends of the Administration have exercised all their ingenuity to reconcile themselves

to it, and have satisfied some who have doubts as to the propriety of the measure, and the Democratic newspapers begin to be a little uniform in their reasons why it was put on, they are again surprised with information that their favorite measure is abandoned. Their ingenuity is again taxed and put to trial to find reasons for such a sudden change, and in this respect their task is very hard, as they are not furnished with the reasons that may influence the Administration; and no change in the state of things to them known would warrant such versatility. Mr. P. said he was looking over a Kentucky paper a few days past, and he saw mentioned an extract of a letter from this place, saying, that the embargo was worth thirty frigates; now, the same person would have to appease them by saying, that its repeal will be worth thirty more. Mr. P. said he considered the embargo of but little importance, in the present situation of our affairs, as long as the war and blockade lasted. His objection was to the repeal of the non-importation act, the suspension of which he opposed on a former occasion, when recommended by Mr. Gallatin for the same purpose for which it is now to be repealed; at which time a majority of that House was found to reject it; but we are now told by the gentleman from South Carolina, (Mr. CALHOUN,) if the whole restrictive system had expired, that there was not ten men in that House that would vote to revive it; or, if it never had been put on, that would now vote for it. Mr. P. said he could answer for no person but himself; but he said he believed if this war had been considered expedient by the nation generally, and the gentlemen on one side had not been so long opposed and prejudiced against this system, from its having been put on, in the first place, when the nation was at peace and its commerce flourishing, and the other side operated upon with a view to obtain revenue to continue this war, having the terrors of taxation always in view, that ten men would not be found in that House, but for the above reasons, that would vote to repeal the non-importation act under the present situation and circumstances of the country.

Mr. P. said, that in examining the President's Message of last Summer, he found his reasoning so well adapted at this time against the repeal of the non-importation act, that he should take the liberty to read it, in the following words, to wit: "There being sufficient ground to infer that it is the purpose of the enemy to combine with the blockade of our ports special licenses to neutral vessels, or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, whilst its general commerce remains obstructed, keeping in view also the insidious discrimination between different ports of the United States; and as such a system, if not counteracted, will have the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the

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'pressure the enemy can impose, thus subjecting the whole to British regulation, in subserviency to monopoly.' For the above reasons the President recommended an embargo, removable when the British blockade should cease. How much more forcibly does the above reasons apply against repealing the restrictive system generally, as the embargo only prevented exports, when this bill permits exports and imports, while the blockade is not only continued, but is to be more rigorously enforced; and more than all, the consequences so well described by the President is to follow! But, Mr. P. said, as we could not disturb them much by restrictions and opposition, we were now to try another experiment to appease them—by submission, and by sacrificing our interest to theirs. But the gentleman from South Carolina (Mr. CALHOUN) says that great changes had taken place in Europe, and that nations, like individuals, must conform to circumstances. What a great pity it is that gentlemen had not made that discovery before; it would have saved much blood and treasure to the United States. The gentleman says he was always in favor of the war and against restrictions, and but for the war we should have lost all our European and carrying trade, and our East and West India trade. Mr. P. said he would be glad to be informed what had become of it all; was it not all destroyed, and even our coasting trade with it? And if we had prudently conformed to circumstances before the war, of choice, we could have enjoyed all the commerce the gentleman has so well described; but by having taken the honorable stand so frequently mentioned in this war, and by conforming to circumstances by compulsion, we now lose the whole trade of our country, and cannot enjoy any of the neutral trade the gentleman thinks so important to us, unless by the consent of the English, any more than if they were permitted to establish their custom-houses within our territory. But if this system is now to be given up to enjoy the trade of neutrals only, why are British manufactures admitted? We have been told that by excluding them we distressed that class of people in England, and encouraged ours in this country; it cannot be that we are now to admit them to appease and enrich them, and to ruin and destroy ours, but such was the inevitable effect; they certainly deserve a better fate. But the same gentleman says this war yet operates very hard upon the English, that it costs them much more than it does us; if it costs her more she is able to pay more. But Mr. P. said the expenses of this Government exceeded all others, considering what they had done for their money. He said he had heard of the debt of Great Britain ever since he could remember anything, and that they could not exist under it. Notwithstanding all those predictions, what was their situation at present? an undivided control of the seas, and as a nation, compared with all others, more elevated than at any former period. Let us now examine the situation of this country. Before we entered into this honorable warfare we enjoyed a lucrative commerce, while other nations were at war;

we were then as a nation too proud to permit one of our citizens when abroad to accept of a British license to protect him, it was considered a crime; we then enjoyed much of the carrying trade; our canvass whitened every sea; we had the privilege of doing our own business; the nation derived an immense revenue, and individuals great profit. What will be our situation, after being in war short of two years, if this bill passes, and the war continues? He said he considered it a death blow to the shipping interest of this country, and the commencement of the certain destruction of the manufacturing interest. You give all our commerce to the English; it will be carried on with their money, in their ships under neutral flags; we must purchase her manufactures of her at her own price, and she can obtain the raw material from the Southern States, and take it to Great Britain and manufacture it, and bring it back to this country and sell it cheaper than we can get it to the Eastern States and back again; she can take it by water without trouble; we must take it by land, or run immense risk. In that country labor is very cheap; in this it is increased by the war. By this bill you give to Great Britain advantages in war that she would not enjoy in times of peace, while we suffer all the evils of war. Our ships are rotting, and useless; they can neither be used by their present owners, or sold to neutrals. You remove from Great Britain every inducement to make peace with us; she takes the raw material from the South in her ships, in disguise, and in the same manner furnishes them with her goods in return. This furnishes the Southern States with a good market for their produce, and with such goods as they want in return, and in this manner they are entirely relieved from the pressure of the war, as it is a matter of little consequence to them in whose ships their produce is taken to market, or who manufactures for them, provided they can sell dear and buy cheap.

Mr. P. said, that if this bill passes, and war should continue for any great length of time, the consequence would be, that Great Britain would, in her ships, take all the heavy articles out of this country in a very little time that she wanted, and fill this country with her manufactures. The balance of trade will be very much against us; the consequence will be, she will soon get away all our money. Make as many laws, with as many and as severe penalties as you please to prohibit it, money is like water, it will find its level, it will go where it is worth most, and you can as well confine the one as the other; and when peace takes place, if our vessels shall be worth repairing, they will have very little to do. We are giving to Great Britain more than the most extravagant man in that nation would have thought of asking. Mr. P. said, however humiliating it must be to us as a nation, that we had sent five of our most distinguished citizens, in the opinion of the President, to treat with one Englishman, on a subject already exhausted, and on which very little more can be said or written, and with which almost every man in this nation

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is acquainted, yet, Mr. P. said, he believed if the President would now send another, with power to offer to the British Government the state of things growing out of this bill for fifteen years, that they would settle an annuity upon us of five millions of dollars. This bill gives them all our commerce—a market for their manufactures—a trading war, with the privilege of quartering upon us. And for what purpose is this sacrifice to be made? We can do without British goods during the war. When a nation is in war and difficulty they ought to be prudent and economical; they ought to sell all they can do without, and do with as little as possible; they cannot buy anything sufficiently cheap that they do not want.

Mr. P. said it was impossible for him to comprehend this sudden change in our affairs. We are now, in addition to all the disadvantages on our part, and advantages to the English, to humble ourselves to them, and ask forgiveness for the past, and promise to do better in future; and although we made this war for commerce and sailors' rights, we give them up our commerce, while the most of our sailors are confined in their prison ships; our ports, bays and rivers are blockaded; the nation imprisoned within its own territory, and we in the Capitol, in the centre of the nation, threatened and disturbed; and we are to ask them, under the smoke of their guns, if they will be graciously pleased to take from us our produce, and let us have in return some of her manufactures, in such manner and at such prices as she in her tender mercy may see fit. And for what purpose do we thus humiliate ourselves to them, and make this sacrifice? It is to purchase goods of them that we do not want, and can do very well without, in order to raise a revenue from the people in an indirect way.

Mr. P. said, the average duties on British goods, when imported in our own ships, was about 22½ per cent.; to which add 10 per cent. on the amount of that duty, if imported in foreign vessels, will make it a little short of 36 per cent.; so that, in order to raise eighteen millions of dollars (a little more than one year's revenue before the first embargo) for the use of Government, the people will have to pay the British nation fifty millions of dollars for their manufactures, with about 15 per cent. for freight and commission, making seven and a half millions more; making in the whole, about seventy-five millions, which our people have to pay for British manufactures, to enable the Government to get eighteen millions out of them by indirect taxation. This operates as an indirect tax upon the whole manufacturing and shipping interest of this country, and serves to enrich the English nation, in the same proportion as it serves to unite the two great manufacturing and shipping interests of that nation. And for what was this sacrifice made, but from an apprehension that it will not do to tax the people, for fear they may make some scrutiny into the extravagance and wastefulness of the Government. Mr. P. said he was at a loss to know what answer would be given by gentlemen, when they returned home, and were asked why an embargo

was put on last Winter—and why it was taken off in the Spring? They would be told that the President recommended both measures. But when they should be asked why they repealed the non-importation act, destroying our navigation and agreeing to receive British manufactures, to the destruction of our own, that they had pretended to encourage?—this will be a little more difficult to answer. But if honest, as I presume they will be, in answering the question, they will say that our expenses had been enormous, our money almost exhausted, and our credit much impaired, and we were apprehensive if we taxed the people any more they would not like it; and if anything near our wants, they could not pay it; and that they had adopted this measure to get money at some future period, in hopes that it will give us credit to borrow for the present, rather than disturb you by taxes. They will be told by the people that they had done them manifest injustice; they did not merit such treatment from them; they had supported them at the elections, and had done and paid everything that had been required of them, without murmuring or complaining—and that they had no right to expect but they would support them in everything necessary to prosecute the war to its termination, without depending upon the will and pleasure of the enemy, for the means to carry it on. Mr. P. said, if we consider this bill, as it is really intended, to aid our revenue, what is its effects? It will take six months to get goods from England, the duties on them payable in eight, ten, and twelve months; so that it will be fourteen months before the first bonds for duties will be payable. Mr. P. said, to those gentlemen who view this as a financial measure, and who have been the means of placing this country in its present situation, he would ask them if they were willing to return home, and depend entirely upon the magnanimity of the enemy for the means of maintaining public credit, supporting the Government, and carrying on the war? This, bill, with no other dependence, puts it entirely in their power, as soon as they see that we depend upon the introduction of her manufactures to raise a revenue for the purpose of carrying on the war, to prevent their introduction, and those of all other nations, by a vigorous blockade; and we are disappointed in all our expectations from that source. Mr. P. said, if they permitted importation, and continued the war, it was ruin to the best interests of this country. Mr. P. said, that we now began to discover what many nations had experienced before us—that we could not contend with the British naval power, and we may as well conform to circumstances, in that respect, first as last. Mr. P. said, it seemed as though we had just found out that it was necessary, not only to have fleets and armies to carry on war, but that money was of some importance; and it seemed to be difficult to procure the sum wanted. Mr. P. said we had everything to lose and nothing to gain by this war, and nothing but peace would relieve us, which he hoped would soon take place, when we may be permitted to sail in our own ships and



carry our own produce to market, and bring back what we may want in return, and otherwise manage our own affairs in our own way. Mr. P. said he was aware that many people might suppose he was interested in manufactures, but he was not, nor did he wish the double duties extended; he wished them, and the non-importation act, to expire with the war.

Mr. P. said, as he took the liberty to oppose and find fault with this measure, he would point out what, in his opinion, would be a better course for the Administration to pursue, to answer the purposes they seemed to have in view; but he supposed they would much rather have his opposition than his advice. Mr. P. said, before he would pass this bill, and let it follow our Commissioners to Gottenburg, giving up everything we had supposed would have had any operation upon the English nation, and even more than she would think of asking, if he wished not only to support the honor and interest of the nation, but even the present party in power, and to enable them to make an honorable peace, or to continue the war, he would immediately lay taxes and postpone the collection of them until the next meeting of Congress, and pledge them to pay the interest of the money that should be borrowed this year, provided the war continued; he would then borrow all the money wanted for the service of this year; he would then make a sincere exertion to make an honorable peace, and in such manner as, if it failed, he should be able to demonstrate to the people that we had done everything that ought to be required of us to put an end to this ruinous war. If we should have peace the taxes would not be wanted, the collection of them could be suspended, and the laws repealed; but if we were obliged to continue the war, we should have the money to carry it on, and the people would thus pay their taxes cheerfully to support the honor and credit of the country; and those who have money, under such a state of things, would loan it to the Government.

Mr. P. said he knew very well, as his constituents were a navigating and manufacturing people, at first view the Message of the President would seem to favor their interest, and it would have been gratifying to him if he could have so considered it. To those concerned in navigation the repeal of the non-importation act was held out, the repeal of which would be of very little advantage to them, unless we could have peace with it; which would then, and not until then, put it in the power of those concerned in commerce, by their enterprise and industry, again to use their own capital and ships to transact their own business, and in that way to enrich themselves and the nation, by employing our own people to transact our own business, rather than to enrich foreigners, while our own are suffering for the want of their usual business. To those concerned in manufactures, the extension of double duties are held out; they never were put on to aid them, nor would they ever be extended for their benefit; it would only deceive them—it is not intended.

Mr. P. said, when he saw his friends nearly all

in favor of this bill, and but a small minority opposed to it, he was almost led to doubt the correctness of his vote; but he said he had made up his mind, from the best consideration he had been able to give the subject, and that he could not bring his mind to vote for a measure, in his opinion, so destructive to the best interests of his country, so humiliating to us as a nation, and so submissive and gratifying to Great Britain. Mr. P. said, if this was the last vote he should ever give, and that he should be alone in it, he should have the consolation of having acted according to the best of his judgment, and in the full belief that the more this subject was examined, if the war continued, the more the majority would doubt the correctness of the vote they had given on this subject.

Mr. RHEA, of Tennessee, briefly replied to Mr. POTTER, in a strain of good humored retort.

Mr. CLOPTON, of Virginia, in a decided and impressive manner, deriving additional interest from the debility with which a tedious illness has afflicted him, and under which he yet labors, vehemently opposed the bill, contending that to pass it would be to react the farce, as he termed it, of the repeal of the first embargo; that it would protract the war forty years, and degrade the character of the nation for firmness, energy, and consistency.

Mr. SHEPHERD, of New York, supported the bill on the ground of his general detestation of the restrictive system; and congratulating the House and the nation on the effect which he hoped this measure would have to blunt the asperities of party, and unite the country, &c.

When Mr. S. concluded—

The question on ordering the bill to be engrossed and read a third time, was decided in the affirmative—yeas 115, nays 38, as follows:

YEAS—Messrs. Alston, Anderson, Archer, Baylies of Massachusetts, Beall, Bigelow, Brown, Boyd, Bradbury, Breckenridge, Brigham, Brown, Caperton, Calhoun, Champion, Chappell, Cilley, Clark, Comstock, Condict, Cooper, Cox, Creighton, Crouch, Culpeper, Davenport, Davis of Pennsylvania, Duvall, Ely, Eppes, Evans, Farrow, Findley, Fisk of New York, Forney, Forsyth, Gaston, Geddes, Gholson, Goodwyn, Gourdin, Grosvenor, Grundy, Hale, Harris, Hasbrouck, Howell, Humphreys, Hungerford, Ingersoll, Irving, Jackson of Rhode Island, Kennedy, Kent of New York, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lefferts, Lewis, Lovett, Lowndes, Markell, Miller, Moffitt, Montgomery, Mosley, Oakley, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, John Reed, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ridgely, Ringgold, Robertson, Ruggles, Sevier, Seybert, Sharp, Sheffield, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Smith of Pennsylvania, Smith of Virginia, Stanford, Stuart, Sturges, Taggart, Tallmadge, Taylor, Telfair, Thompson, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wright.

NAYS—Messrs. Alexander, Bard, Barnett, Butler, Caldwell, Clopton, Conard, Crawford, Denoyelles, Desha, Earle, Franklin, Griffin, Hall, Hawes, Hawkins,

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Ingham, Johnson of Kentucky, Lyle, Macon, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Potter, William Reed, Roane, Strong, Tannehill, Troup, Whitehill, Wilson of Pennsylvania, Wood, and Yancey.

So the bill was passed to a third reading.

On the question when it should be read a third time, some conversation took place. Mr. CALHOUN advocated this day, and Messrs. NEWTON and WRIGHT, to-morrow.

The House determined it should be read a third time to-day.

The engrossed bill was then accordingly read a third time, and the question stated, "Shall the bill pass?"

Mr. HALL, of Georgia, stated the reasons why he should vote against the bill. He believed its real object to be, notwithstanding what was avowed, to raise money for the service of the Government. He did not think this would be a proper or beneficial mode of doing it; and such was the system now pursued, that nothing but the interposition of Providence in producing a speedy peace could save the nation from disgrace.

Mr. WRIGHT, of Maryland, stated the reasons why he should vote in favor of the bill, which were substantially the same as those assigned by Mr. CALHOUN yesterday, viz: the late change in those circumstances which rendered the restrictive system an efficient weapon of war. He hoped the time now approached when, as in the days of the Revolution, all parties would rally round the standard of the country, and support the Government in the prosecution of the war.

A motion was then made to adjourn, and negatived.

Mr. NEWTON next took the floor, and in a neat and forcible speech of half an hour, spread before the House the reasons, founded on the utility of the restrictive system as a war measure, and the necessity of stability in the measures of Government, which induced him to vote against the bill. The causes which produced the embargo he conceived to operate imperiously at this moment, when the campaign in the North was about opening; and our supplies, which would certainly fall into the hands of the enemy, would be more useful to him than at any moment.

When Mr. NEWTON concluded, the question on the passage of the bill was decided as follows:

YEAS—Messrs. Alston, Anderson, Archer, Baylies of Massachusetts, Beall, Bigelow, Bowen, Boyd, Bradbury, Breckenridge, Brigham, Brown, Caperton, Calhoun, Champion, Chappell, Cilley, Clark, Comstock, Condict, Cooper, Cox, Creighton, Crouch, Culpeper, Cuthbert, Davenport, Davis of Pennsylvania, Duvall, Ely, Eppes, Evans, Farrow, Findley, Fisk of New York, Forney, Forsyth, Gaston, Geddes, Gholson, Goodwyn, Gourdin, Grosvenor, Hale, Harris, Hasbrouck, Howell, Humphreys, Hungerford, Ingersoll, Irving, Jackson of Rhode Island, Jackson of Virginia, Kennedy, Kent of New York, Kent of Maryland, Kerr, Kershaw, Kilbourn, King of Massachusetts, King of North Carolina, Law, Lefferts, Lewis, Lovett, Lowndes, Markell, Miller, Moffit, Montgomery, Moseley, Oakley, Pearson, Pickering, Pickens, Piper, Pitkin, Pleasants, Post, John Reed, Rea of Pennsylvania, Rhea of Tennessee,

Rich, Ridgely, Ringgold, Robertson, Ruggles, Sevier, Seybert, Sharp, Sheffey, Sherwood, Shipherd, Skinner, Smith of New Hampshire, Smith of New York, Smith of Virginia, Stanford, Stuart, Sturges, Taggart, Tallmadge, Taylor, Telfair, Thompson, Udree, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, White, Wilcox, Wilson of Massachusetts, Winter, and Wright—115.

NAYS—Messrs. Alexander, Bard, Barnett, Butler, Caldwell, Clopton, Conard, Crawford, Denoyelles, Desha, Earle, Franklin, Hall, Hawes, Hawkins, Ingham, Irwin, Johnson of Kentucky, Lyle, Macon, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Potter, William Reed, Roane, Strong, Tannehill, Troup, Whitehill, Wilson of Pennsylvania, and Yancey—37.

*Ordered*, That the title be, "An act to repeal an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' and so much of any acts as prohibit the importation of goods, wares, and merchandise, of the growth, produce, or manufacture, of Great Britain or Ireland, or of any of the colonies or dependencies, or of any place or country in the actual possession of Great Britain, and for other purposes."

FRIDAY, April 8.

On motion of Mr. GRUNDY, the committee appointed to inquire into the expediency of establishing a National Bank, were discharged from the further consideration of that subject.

The amendments of the Senate to the bill "for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," were read, and referred to the Committee on the Public Lands.

On motion of Mr. ROBERTSON, the Commissioner of the General Land Office was required to procure, for the use of the Committee on the Public Lands, all such maps, plats, and surveys, as, in his opinion, may aid the said committee in the discharge of their duties.

The House resumed the consideration of the bill fixing the time for the next meeting of Congress.

Mr. J. G. JACKSON's motion to amend the bill by substituting the first Monday of November for the third Monday in October, being still under consideration, he modified said motion so as to substitute the last Monday of October thereof.

The amendment was accepted by the House, and the bill was ordered to be engrossed for a third reading.

The House resumed the consideration of the bill "to define more explicitly the duties of the Judges of the General Court of the Territory of Illinois and Indiana;" and the amendments reported by the Judiciary Committee thereto were disagreed to.

The question was then taken that the bill be engrossed and read a third time, and after considerable debate, in which Mr. JENNINGS supported and Mr. EPPES principally opposed the bill, it was decided in the negative; so the bill was rejected.

On motion of Mr. PLEASANTS, of Virginia, the Speaker of this House was instructed to inform the Executive of Virginia of the death of JOHN DAWSON, one of the Representatives of said State.

The House took up the resolution submitted by Mr. WRIGHT, of Maryland, the day before yesterday, viz: "That no amendment by way of rider be hereafter received to a bill on its third reading;" and, after some explanations from Mr. W. on the ground of uniformity in the proceedings of the House, the motion was agreed to by a large majority.

The engrossed bill for the relief of J. P. Williamson and Thomas Rice; and the engrossed bill for the relief of B. W. Crowninshield, were read a third time and passed.

The engrossed bill to amend the act entitled "An act for ascertaining titles to lands in that part of Louisiana which lies east of the Mississippi and Island of New Orleans;" and the engrossed bill supplementary to an act "to provide for the widows and orphans of militia disabled in the service of the United States," were also read a third time and passed.

The bill for the relief of John Cahoon and others, was read a third time and passed; as also was the bill for the relief of Lewis Cutler.

The engrossed bill to provide for the collection, preservation and exhibition of such standards as have been or may hereafter be taken by the Army and Navy of the United States from their enemies, was read a third time and passed.

The engrossed bill fixing the time for the next meeting of Congress (last Monday in October next) was read a third time and passed.

The bill extending relief to certain purchasers of public lands in the Mississippi Territory, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill to authorize the subdivision of the lands of the United States passed through a committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the more effective protection of the Northwestern frontier, by granting donations of land to actual settlers, passed through a Committee of the Whole, where it was amended and reported to the House. But the House refused to proceed to consider the report.

A message from the Senate informed the House that the Senate have passed a bill "to incorporate a company for the purpose of supplying Georgetown with water;" also, a bill "authorizing the appointment of certain officers for the flotilla service;" in which bills they ask the concurrence of this House.

#### CONTROVERSIES BETWEEN STATES.

The order of the day on the bill to prescribe the mode of prosecuting and deciding controversies between two or more States, being called up by Mr. DESHA of Kentucky,

Mr. GHOLSON, of Virginia, moved that the order of the day be postponed indefinitely.

Mr. MONTGOMERY, of Kentucky, opposed the postponement, and read the memorial of the Le-

gislature of Kentucky, requesting that such a law may be passed.

A warm debate took place thereon, which occupied the House till 4 o'clock; in the course of which the motion for postponement was supported by Mr. GHOLSON, Mr. HUMPHREYS, Mr. GRUNDY, Mr. RHEA of Tennessee, Mr. ALSTON of North Carolina, and Mr. WRIGHT of Md.—and warmly opposed by Mr. HAWKINS, Mr. MONTGOMERY, Mr. DESHA, and Mr. SHARP of Kentucky, and by Mr. JACKSON of Virginia, and Mr. FARROW of South Carolina.

It appeared, in the course of this debate, that the necessity which had produced the memorial of Kentucky, and, in consequence thereof, the introduction of the bill before the House, arose from the existence of a controversy between the States of Kentucky and Tennessee, in relation to the boundary line, which dispute had commenced between the mother States of Virginia and North Carolina before the birth of the two first named States, and which it appears the two States cannot accommodate; but, on the contrary, a settlement of which becomes every day less practicable, from the lapse of time, irritation by repeated collision, and the increased value of the land which is in dispute, having been granted to different individuals at the same time by both States.

The discussion was not confined to the abstract expediency of legislating on the subject of the bill, but more or less connected itself with the merit of the conflicting claims of Tennessee and Kentucky to the land, the titles to which are jeopardized and unsettled in consequence of this dispute. An opinion was expressed by the members of Tennessee that the question may be amicably settled, without the intervention of such a law.

On the question there were for indefinite postponement 56, against it 27.

A quorum not being present, of course the question could not be decided on. And the House adjourned.

— SATURDAY, April 9.

Mr. ROBERTSON, from the Committee on Public Lands, reported the agreement of that committee to the amendments proposed by the Senate to the bill "for the final adjustment of land titles in the State of Louisiana and Territory of Missouri." The amendments were concurred in by the House.

Mr. EPPES, from the Committee of Ways and Means, reported a bill to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. EPPES, also, reported a bill for the relief of George Hamilton, which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. EPPES, the Committee of Ways and Means were discharged from the fur-

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ther consideration of the several petitions which have been presented to this House, during the present session, and referred to them, from sundry inhabitants of the States of Massachusetts, Connecticut, and New York, who are non-resident proprietors of land and houses in the State of Ohio; and the said petitions were laid on the table.

Mr. FISH, of New York, from the select committee appointed to inquire into the manner of making contracts for supplying the Army of the United States, and to what extent general officers have interfered in such contracts prejudicial to the public interest, and to rights of individuals, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Comptroller of the Treasury, accompanied with sundry statements prepared in obedience to an act establishing a Mint and regulating the coins of the United States; which were ordered to lie on the table.

The bill from the Senate, "authorizing the appointment of certain officers for the flotilla service," was read twice, and referred to the Committee on Naval Affairs.

The bill from the Senate, "to incorporate a company for the purpose of supplying Georgetown with water," was read twice, and ordered to be read the third time on Monday next.

The House resumed the consideration of the amendment of the Senate, to the bill "declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned;" and the said amendment being again read, was disagreed to by the House.

An engrossed bill to extend relief to certain purchasers of public lands in the Mississippi Territory was read the third time, and passed.

An engrossed bill to authorize the subdivision of the quarter sections of the lands of the United States, was read the third time, and passed.

The resolution for making an allowance to the person employed to superintend the post office of this House, was again taken up; and two dollars per day having been fixed upon as the compensation, the resolution was agreed to.

The House resumed the consideration of the unfinished business of yesterday, viz: the bill prescribing the mode of commencing and prosecuting and deciding controversies between two or more States; and Mr. HUMPHREYS, of Tennessee, having withdrawn his motion to postpone the further consideration thereof indefinitely, the question was taken for the House to resolve itself into a Committee of the Whole on the said bill, and decided in the negative.

The bill authorizing the Secretary of State, during the continuance of the present war, to make an additional allowance to the owners and masters of vessels for bringing back to the United States destitute and distressed American seamen, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill for the relief of Augustus McKinney and

Laysel Bancroft, passed through a Committee of the Whole, and, after being amended, was ordered to be engrossed for a third reading.

The bill for the relief of Arthur Tappan, John Frothingham, and Ithamar Eaton, passed through a Committee of the Whole, and, after an unsuccessful motion by Mr. EPPES to postpone the same indefinitely, was ordered to be engrossed for a third reading.

A message from the Senate informed the House that the Senat insist on their amendment to the bill "declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned," and ask a conference on the subject-matter of the said amendment. The Senate have concurred in the resolution sent from this House, to fix the time for the adjournment of the present session of Congress, with amendments. The Senate have passed a bill "fixing the salary of the Paymaster of the Army of the United States, and allowing a sum for the employment of additional clerks in his office, for the year 1814, and providing for the appointment of assistant district paymasters;" in which bill and amendments they ask the concurrence of this House.

The House spent some time in Committee of the Whole, on the bill for the relief of Thomas Cutts, which excited much debate, on account of the principle involved in it. And the Committee having risen without deciding on it, the report was, on motion of Mr. SEYBERT, recommit- ted to the Committee of Claims.

The House took up the message from the Senate announcing their agreement to adjourn on Monday the 18th instant.

Mr. GHOLSON, of Virginia, moved to substitute the 14th for the 18th instant, which motion was negative.

And the decision of the Senate in this respect was concurred in.

#### REVISION OF THE REVENUE LAWS.

Mr. McKIM presented a petition of sundry manufacturers in the city and neighborhood of Baltimore, praying that the revenue laws may be amended so as to ascertain, with greater certainty, the amount of duties payable on importations of goods; and, that the importation of cotton goods, from ports beyond the Cape of Good Hope, may be prohibited.

The petition is as follows:

To the honorable, the Senate and House of Representatives of the United States of America in Congress assembled, your petitioners, manufacturers of the city and neighborhood of Baltimore, and others, who feel interested in the promotion of domestic manufactures, respectfully represent:

That they have long understood, it is the opinion of many merchants engaged in the importation of foreign manufactured merchandise, that the mode at present used to ascertain the duties thereon is, in many respects, very defective, not calculated either to protect the interests of the United States in a full receipt of revenue, or the honest importer from the practices of the fraudulent one, and that some amendment to the present collection law is absolutely necessary. They are now under the impression, that a law will

soon be passed, which will have the effect to produce an entire change in the usual manner of introducing such manufactures, at least those which are of British origin, through the medium of neutrals, and, therefore, it is more desirable than ever, that such an amendment should be made without delay, because, if this law should pass, an immense importation of goods will no doubt take place in the course of a few weeks, and if the proposed amendment to the collection law should not be made previous thereto, the United States will no doubt suffer a great loss of revenue, and an injury proportional thereto will be done to domestic manufactures. It is of little moment to the importer what is the rate of duty which he has to pay, because he always calculates on its reimbursement; but it is of vital importance to him, and to the security of the revenue, that the same duty is paid on the same kind and quality of goods by every importer in the United States. To endeavor to obtain such an amendment to the present collection law as will have this effect, is the principal object of this petition, and your petitioners are the more solicitous for it from a full belief, that while it will protect the interests of the fair trader, and increase the revenue, it will also support the manufactories already established in the United States and forward and encourage the erection of many others now in contemplation.

Your petitioners further represent, that they believe a prohibition of the importation of cotton goods the manufacture of countries beyond the Cape of Good Hope, would very materially tend to benefit the agricultural interest of the country, by creating a constant and steady demand for raw cotton, and that, while it would encourage the manufacture of coarse cotton fabrics, it would serve as an important check to the exportation of specie.

Your petitioners therefore pray that an act or acts may be passed for the purposes stated, or that such other relief may be granted in the premises as to both Houses of Congress may appear to be right, and your petitioners, as in duty bound, shall ever pray, &c.

Signed by the subscribers, a committee appointed for this purpose, at a meeting held at the Merchants' Coffee House, in Baltimore, the 6th day of April, 1814.

JOHN HILLEN,  
WM. PATTERSON,  
SAMUEL HARDEN,  
ROBERT McKIM,  
JOHN GILL,  
NATHAN LEVERING,  
EDWARD GRAY.

The petition was referred to the Committee of Commerce and Manufactures.

#### MONDAY, April 11.

The bill from the Senate, "fixing the salary of the Paymaster of the Army of the United States, and allowing a sum for the employment of additional clerks in his office, for the year 1814, and providing for the appointment of assistant district paymasters," was read twice, and referred to the Committee on Military Affairs.

The House proceeded to consider the message from the Senate, asking a conference upon the subject-matter of the amendments depending between the two Houses to the bill "declaring the assent of Congress to an act of the General As-

sembly of the State of Tennessee, therein mentioned." Whereupon,

*Resolved*, That this House do agree to the conference asked by the Senate, and that Mr. GRUNDY, Mr. EPPES, and Mr. TELFAIR, be the managers at the same on their part.

On motion of Mr. WRIGHT, a committee was appointed to inquire into the expediency of raising the floor and completing the House of Representatives' Chamber for the accommodation and health of the members. Mr. WRIGHT, Mr. SHEPHERD, Mr. PITKIN, Mr. FORSYTH, and Mr. SHARP, were appointed the committee.

The House resumed the consideration of the bill "authorizing the payment for property captured or destroyed whilst in the public service by the enemy of the United States;" and the bill was, on motion of Mr. FISK, of New York, recommitted to a Committee of the whole House.

The engrossed bill for the relief of Augustus McKinney and Laysel Bancroft, and the engrossed bill, "authorizing the Secretary of State, during the present war, to make an additional allowance to the owners and masters of vessels for bringing back to the United States destitute and distressed American seamen," were each read a third time, and passed.

The bill from the Senate "to incorporate a company for the purpose of supplying Georgetown with water" was read three times, slightly amended, and finally passed.

The bill authorizing the President of the United States to cause certain parts of the coast of the United States to be surveyed, passed through a Committee of the Whole, was amended, and ordered to be engrossed for a third reading.

The bill "granting pensions to officers and seamen serving on board of revenue cutters in certain cases," was passed through a Committee of the whole House, and ordered to be engrossed for a third reading.

The bill for quieting and adjusting claims to lands in the Mississippi Territory, passed through a Committee of the Whole, was amended, and then, on motion of Mr. McCoy, of Virginia, the further consideration of the bill was postponed indefinitely.

The bill concerning certificates of claims to lands in the State of Louisiana, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading, and the House adjourned.

#### TUESDAY, April 12.

Mr. MURFREE, of North Carolina, from the Committee of Commerce and Manufactures, reported a bill to revive and continue in force an act declaring the assent of Congress to an act of the State of Georgia passed on the 12th day of December, 1804, establishing the fees of the harbor master and health officer of the ports of Savannah and St. Mary's in Georgia.—Twice read and committed.

Mr. LOWNDES, from the Committee on Naval Affairs, reported the bill from the Senate, "au-

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thorizing an augmentation of the marine corps, and for other purposes," without amendment; and the bill was committed to a Committee of the whole House to-morrow.

Mr. LOWNDES also reported the bill from the Senate "authorizing the appointment of certain officers for the flotilla service;" and the bill was committed to the Committee of the whole House last mentioned.

Mr. LOWNDES also reported a bill authorizing the purchase of the vessels captured on Lake Erie; which was read twice, and committed to the Committee of the Whole last mentioned.

Mr. TROUP, from the Committee on Military Affairs, reported the bill from the Senate "fixing the salary of the Paymaster of the Army of the United States, and allowing a sum for the employment of additional clerks in his office, for the year 1814, and providing for the appointment of assistant district paymasters," without amendment.

Mr. GRUNDY, from the managers appointed by this House, to confer with the managers appointed by the Senate, on the subject-matter of the disagreeing votes of the two Houses on the bill "declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned," made a report thereon; which was read, and ordered to lie on the table.

An engrossed bill authorizing the President of the United States to cause certain parts of the coast of the United States to be surveyed was read the third time, and passed.

An engrossed bill granting pensions to officers and seamen serving on board of revenue cutters, in certain cases, was read the third time, and passed.

An engrossed bill concerning certificates of confirmation of claims to lands in the State of Louisiana was read the third time, and passed.

On motion of Mr. McKIM, the order of the day on the bill authorizing the President of the United States, during the continuance of the present embargo, to allow the transportation, by water, of lime from Thomastown and Hampden, in the District of Maine, to Portsmouth, in New Hampshire, was postponed indefinitely.

The House resolved itself into a Committee of the Whole on the bill to authorize the President of the United States to accept the service of such volunteers as shall organize themselves for the public service.

Mr. TROUP explained the object of the bill, which appears to have been predicated on a letter from the Secretary of War, suggesting the propriety of giving such an authority to the Government, in consequence of certain offers of service made by corps of this description from more than one section of the country. No objection being made to the bill, the Committee rose and reported the bill; which was ordered to be engrossed for a third reading.

Mr. NELSON, of Virginia, called up the bill for making good the land promised by Virginia in the Revolutionary war, which the House refused

to take up by the following vote: For taking it up 42, against it 52.

The bill from the Senate for the relief of David Porter, officers, and crew, (for seizing and prosecuting, at his own cost and risk, certain vessels, smugglers or pirates, at New Orleans, some years ago,) was called up by Mr. ROBERTSON, of Louisiana, passed through a Committee of the Whole, and ordered to a third reading, and was accordingly read a third time, and finally passed.

The bill authorizing two lotteries in Georgetown, in the District of Columbia, having been called up by Mr. LEWIS, the House refused to take it up. The Committee of the Whole were then discharged from the further consideration of the bill, which is now immediately before the House.

The House, on motion of Mr. McKIM, resolved itself into a Committee of the Whole, on the bill to continue in force an act declaring the assent of Congress to two acts of the Legislatures of Georgia and Maryland. [These acts, to which the assent of Congress is proposed to be renewed, impose certain port duties on tonnage, applicable to the improvement of ports in said States.]

To this bill considerable opposition was made by Mr. DAVENPORT and Mr. TALLMADGE, of Connecticut, and Mr. REED and Mr. KING, of Massachusetts, to which Messrs. McKIM and WRIGHT, of Maryland, and TROUP, CUTHBERT, and HALL, of Georgia, replied. The bill was ordered to be read a third time to-morrow, by the following vote: For the bill 56, against it 44.

The bill for the relief of Archibald McCall (on motion of Mr. SEYBERT, of Pennsylvania,) passed through a Committee of the Whole, and was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. CHAPPELL, of South Carolina, the bill for the relief of Joseph Brevard passed through a Committee of the Whole, and was ordered to be read a third time, and was accordingly read a third time, and finally passed.

On motion of Mr. FISK, of Vermont, the bill to fix the compensation of the clerks in the office of the Secretary of the Senate and Clerk of the House of Representatives, passed through a Committee of the Whole, and was reported to the House. On the question that the bill be read a third time, there were for the third reading 38, against it 43.

A quorum not having voted on the first count, before the second count was had, a motion was made by Mr. FISK, of Vermont, to lay the bill on the table, and agreed to.

The bill to incorporate the Columbian Manufacturing Company of the town of Alexandria, in the District of Columbia, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

A message from the Senate informed the House that the Senate have passed the bill "to repeal the act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and so much of any act or acts as prohibit the importation of goods, wares,



and merchandise, of the growth, produce, or manufacture, of Great Britain or Ireland, or of any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain, and for other purposes," with amendments; in which they request the concurrence of this House. The Senate have so far receded from their amendment to the bill "declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned," as to accept of the modification proposed by the committee of conference, and they have modified the bill accordingly. The Senate have also passed a bill "for the relief of Israel Thorndike;" in which bill they desire the concurrence of this House.

The House proceeded to consider the message from the Senate, informing this House of their agreement to the modification proposed by the joint committee of conference, on the subject-matter of the disagreeing votes of the two Houses to the bill "declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned;" and the report of the same being read: Whereupon,

*Resolved*, That this House do so far recede from their disagreement to the amendment of the Senate to the said bill as to accept of the modification proposed by the joint committee of conference.

The bill from the Senate "for the relief of Israel Thorndike," was read twice, and committed to the Committee of Commerce and Manufactures.

#### EXCISE ON LIQUORS.

The bill to change the tax on domestic distilled liquors from the capacity of the still to the quantity distilled, having been called up, a motion was made by Mr. ALSTON, of North Carolina, in pursuance of a decision of the Committee of Ways and Means subsequent to the bill's being reported, to postpone the further consideration of this order of the day indefinitely; which motion was supported by the mover, Mr. GRUNDY and Mr. HUMPHREYS, of Tennessee, Mr. CREIGHTON, of Ohio, and Mr. TAYLOR, of New York, principally on the ground of the lateness of the session, and the propriety of ascertaining more accurately the operation of the present system before it should be changed; and was opposed by Mr. McKIM, of Maryland.

The question on indefinite postponement was decided in the affirmative by the following vote by yeas and nays. For the postponement 61, against it 59, as follows:

YEAS—Messrs. Alexander, Alston, Anderson, Bard, Beall, Bowen, Brown, Butler, Caperton, Calhoun, Chappell, Clark, Clopton, Condict, Conard, Crawford, Creighton, Crouch, Culpeper, Davis of Pennsylvania, Desha, Duvall, Findley, Gaston, Geddes, Griffin, Grundy, Hanson, Hawes, Hawkins, Humphreys, Ingersoll, Johnson of Kentucky, Kennedy, Kerr, Kershaw, Kilbourn, Law, Lefferts, Lewis, Lyle, Macon, McCoy, McLean, Montgomery, Ormsby, Pearson, Pickering, Pickens, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Roane, Sevier, Sharp, Sheffield, Stanford,

Tannehill, Thompson, Udree, and Wilson of Pennsylvania.

NAYS—Messrs. Archer, Barnett, Baylies of Massachusetts, Bigelow, Bradley, Champion, Cilley, Comstock, Cooper, Cox, Cuthbert, Davenport, Ely, Fisk of Vt., Fisk of N. Y., Forsyth, Gholson, Goodwyn, Gourdin, Hale, Hall, Hungerford, Irving, Jackson of Rhode Island, Johnson of Va., Kent of Md., King of Massachusetts, King of North Carolina, Lowndes, Markell, McKim, Moffitt, Moore, Moseley, Murfree, Nelson, Oakley, Parker, Potter, John Reed, William Reed, Rich, Ridgely, Robertson, Sage, Seybert, Sherwood, Smith of New York, Sturges, Taggart, Tallmadge, Taylor, Telfair, Vose, Ward of New Jersey, Wheaton, Wilcox, Winter, and Wright.

#### EXPORTATION OF GOLD AND SILVER.

The order of the day on the bill for prohibiting the exportation of gold and silver coin and bullion, having been called up by Mr. CALHOUN, of South Carolina, chairman of the Committee who reported it—

Mr. WILLIAM REED, of Massachusetts, moved to postpone indefinitely the said order of the day, on which motion the vote was as follows: For the postponement 43, against it 72.

The motion for indefinite postponement being negatived, the House then resolved itself into a Committee of the Whole on said bill.

The bill having been read through—

Mr. CALHOUN said that in relation to the subject of this bill he had not much to say, not being conversant in this matter. Its object, however, was to protect our moneyed institutions from drains from abroad. Whether the bill would have this effect or not, he could not say; his opinion must be regulated by that of those who were conversant on it. Candor required him to say he had some doubts of the entire efficacy of this bill, and feared that the facility of exporting an article of so small a bulk as specie or bullion would evade the most strenuous efforts of our custom-house officers.

Mr. McKIM, of Maryland, moved to amend the bill by striking out the fourth section, which permits, under strict regulations, the exportation of specie coastwise. His idea was that specie would never be transported by sea, because of the risk, unless intended to be conveyed to the enemy; and, therefore, though he felt no great solicitude about this bill, he was desirous, if it passed, that this section should be struck out.

The motion to strike out the section was negatived by a large majority.

Mr. WILLIAM REED, of Massachusetts, objected to this bill because likely to be inefficient; and as a remaining feature of the restrictive system, which, if it was to go down, he wished to go down altogether. The bill would have no other effect than to put the exportation of specie into the hands of smugglers instead of honest merchants; and would rather increase than diminish it.

Mr. INGERSOLL, of Pennsylvania, moved an amendment to the bill, the object of which was to allow the exportation, in vessels bound to ports beyond the Cape of Good Hope, of specie in

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sufficient amount to pay the duties on the cargo of the vessel on its arrival at its port of destination, &c. Without such an amendment, the effect of the bill would be, he conceived, to prohibit all trade to ports in China or India, as the duties were there required to be paid in specie immediately on the arrival of the vessel.

This amendment was opposed by Mr. CALHOUN, and negatived by a large majority.

The Committee then rose and reported the bill to the House.

Mr. POTTER, of Rhode Island, moved to strike out the first section of the bill, and spoke in support of his motion. He said you might as rationally and almost as certainly expect a law to be effectual to prevent the ebb and flow of the tide, as a law to prevent specie from finding its level.

Mr. GROSVENOR, of New York, spoke in favor of the motion. His objection was not to the principle of the bill, but to the futility of such a law to accomplish the object in view. Such an act, he contended, must be ineffectual, and was further objectionable in his view as a remaining feature of a system for which he felt almost an instinctive abhorrence. The provisions of the bill were of an odious character, and, as the bill could have no effect, he hoped it would not pass.

Mr. CALHOUN said that no gentleman, he believed, conceived that this bill, if passed, would be completely effectual. The only question was, would it deaden the current of exportation of specie? Some appeared to think it would; and this was the opinion of many of the banks in the country. Others thought differently, however, and, for himself, he had not made up his own mind on the subject, though at present inclined to support the bill.

Mr. TALLMADGE, of Connecticut, spoke in favor of striking out the first section of the bill. If the measure had not been recommended by the President, it would never have been thought of by any member of either House. He objected to the details of the bill, which were of the same odious character as the provisions of the embargo laws. He stated several other objections to the bill; among which were, that it was trifling with the solemnity of oaths, and demoralizing the people of our country, to exact oaths in relation to trivial matters; and that it was a continuation of the system of arming citizen against citizen, and setting neighbors as spies upon each other, &c. Especially he objected to these provisions, when he believed they could not produce any possible beneficial effect.

Mr. POTTER again spoke in support of his motion, and

Mr. HALE, of New Hampshire, also spoke against the bill. He said the bill, although it would not prevent the exportation of specie, would have the effect to prevent its importation, and thus diminish instead of increasing the specie capital of the country.

The question on striking out the first section of the bill was decided as follows: For striking it out 50, against it 59.

So the House refused to strike out the first section.

Mr. INGERSOLL renewed the motion which he had made in Committee of the Whole, which was again negatived.

Mr. WILLIAM REED then moved to amend the bill so as to strike out that part of the bill which limits its duration to two years or the close of the present war, and insert "to the end of the next session of Congress;" which motion, being acceded to by Mr. CALHOUN, was agreed to.

Mr. HALE moved to lay the bill on the table.—Negatived.

Mr. KING, of Massachusetts, moved to strike out the fifth section of the bill. Negatived—ayes 36.

The bill was then ordered to be engrossed for a third reading to-morrow.

#### REPEAL OF THE EMBARGO.

The House took up the message of the Senate announcing their passage of the act repealing the embargo, &c., with amendments (to strike out the third and fourth sections.)

Mr. CALHOUN moved that the House do agree to the amendments.

This question was decided without debate by yeas and nays—For the amendments 68, against them 52, as follows:

YEAS—Messrs. Alston, Anderson, Baylies of Massachusetts, Bigelow, Bradley, Brigham, Caperton, Calhoun, Champion, Chappell, Cilley, Clark, Comstock, Cooper, Cox, Creighton, Culpeper, Davenport, Duvall, Ely, Forney, Forsyth, Gaston, Geddes, Grosvenor, Hale, Hanson, Hungerford, Ingersoll, Jackson of Rhode Island, Kennedy, Kerr, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Lowndes, Macon, Markell, Miller, Moffit, Montgomery, Moseley, Murfree, Oakley, Pearson, Pleasants, John Reed, William Reed, Ridgely, Robertson, Seybert, Sheffey, Sherwood, Stanford, Sturges, Taggart, Tallmadge, Taylor, Vose, Ward of Massachusetts, Ward of New Jersey, Wheaton, White, Wilcox, Winter, and Wright.

NAYS—Messrs. Alexander, Archer, Bard, Barnett, Beall, Butler, Caldwell, Condict, Conard, Crawford, Crouch, Davis of Pennsylvania, Desha, Epes, Findley, Fisk of New York, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Humphreys, Irving, Johnson of Virginia, Johnson of Kentucky, Kershaw, Kilbourn, Lefferts, Lyle, McCoy, McLane, Moore, Nelson, Ormsby, Parker, Pickens, Piper, Potter, Rea of Pennsylvania, Rhea of Tennessee, Ringgold, Roane, Sage, Sharp, Tannehill, Udree, and Wilson of Pennsylvania.

WEDNESDAY, April 13.

Mr. EPES, from the Committee of Ways and Means, reported a bill making additional appropriations for the service of the year 1814; which was read twice and committed to a Committee of the Whole to-day.

Mr. MURFREE, from the Committee of Commerce and Manufactures, reported the bill from the Senate, "for the relief of Israel Thorndike," without amendment; and the bill was committed to a Committee of the Whole to-day.

Mr. WRIGHT, from the select committee appointed on the 11th instant, reported a bill making an appropriation for completing the Chamber of the House of Representatives; which was read twice and committed to a Committee of the Whole to-day.

The following resolution was submitted by Mr. HUNGERFORD, for consideration:

*Resolved*, That the Secretary of the Navy, to whom was submitted, by a resolution of this House, on the 15th day of March past, the petition and documents accompanying the same, of John T. Courtney and Samuel Harrison, and a report and resolution of the Committee on Naval Affairs relative to the same, be, and he is hereby, instructed to make a report thereon to this House.

And, on the question to consider the said resolution, it was determined in the negative.

A motion was made by Mr. FISK, of New York, to refer to the Secretary of War the documents accompanying the report of the committee appointed to inquire in what manner contracts for supplying the Army of the United States have been made, and to what extent general officers have interfered in such contracts, prejudicial to the public interest or to the rights of individuals.

Mr. GHOLSON moved that the said motion do lie on the table; and the question being taken, it passed in the affirmative.

On motion of Mr. LOWNDES, of South Carolina, the three following bills, viz: A bill authorizing the increase of the marine corps; a bill to authorize the purchase of the vessels captured on Lake Erie; and a bill from the Senate to authorize the appointment of officers for the flotilla service, were passed through a Committee of the Whole, slightly amended, and severally ordered to be read a third time without opposition.

The engrossed bill to authorize the President of the United States to accept the service of such volunteer corps as shall organize themselves for the defence of the United States; the engrossed bill continuing in force the act declaring the assent of Congress to two acts of the States of Maryland and Georgia; the engrossed bill for the relief of Archibald McCall; and the engrossed bill to incorporate the Columbian Manufacturing Company of Alexandria in the District of Columbia, were severally read a third time and passed.

A message from the Senate informed the House that the Senate have passed a bill "for the relief of James Lloyd," in which they ask the concurrence of this House.

*Ordered*, That the Committee of the Whole be discharged from the consideration of the bill to authorize the Secretary of the Treasury to subscribe, on behalf of the United States, for 750 shares of the capital stock of the Chesapeake and Delaware Canal Company.

Mr. BOND, of Illinois, having called up the bill to authorize the opening a road from Shawanoe-town in Illinois Territory, &c., the House refused to take it up.

The bill for the relief of Richard Mitchell passed through a Committee of the Whole, but on the

question to pass the said bill to a third reading, it was decided in the negative.

### PROTECTION OF THE FRONTIER.

A motion was made by Mr. KILBOURN, that the House do now proceed to the consideration of the report of the Committee of the Whole on the bill for the better protection of the Northwestern frontier of the United States, by granting donations of land to actual settlers.

And, the question being taken, it was determined in the negative—yeas 36, nays 71, as follows:

**YEAS**—Messrs. Alston, Bowen, Caldwell, Chappell, Creighton, Davis of Pennsylvania, Desha, Ely, Farrow, Findley, Fisk of Vermont, Forney, Gholson, Goodwyn, Griffin, Johnson of Virginia, Johnson of Kentucky, Kent of New York, Kershaw, Kilbourn, King of North Carolina, Macon, McLean, Miller, Murfree, Nelson, Ormsby, Pickens, Piper, Pleasants, Shipherd, Smith of New York, Sturges, Taggart, Taylor, Thompson, and Troup.

**NAYS**—Messrs. Archer, Bard, Barnett, Baylies of Massachusetts, Boyd, Breckenridge, Brigham, Brown, Caperton, Champion, Cilley, Clark, Cooper, Cox, Crawford, Crouch, Culpeper, Cuthbert, Eppes, Fisk of New York, Forsyth, Franklin, Gaston, Goldsborough, Grosvenor, Hale, Hall, Hanson, Hawes, Hungerford, Ingersoll, Kennedy, Kent of Maryland, Kerr, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Lyle, Markell, McCoy, McKim, Moffit, Montgomery, Moore, Moseley, Pearson, Pickering, Pitkin, Potter, William Reed, Rea of Pennsylvania, Rich, Ridgely, Robertson, Ruggles, Sage, Seybert, Smith of Virginia, Stanford, Tallmadge, Tannehill, Telfair, Udree, Vose, Ward of Massachusetts, Wheaton, Wilcox, Wilson of Massachusetts, and Winter.

### RELATIONS WITH FRANCE.

Mr. GASTON, of North Carolina, rose to offer a motion, which he prefaced by a word or two of explanation. The period of adjournment, he said, was approaching, and an interval of six months would elapse before Congress would again convene. Mr. G. said he thought it very important, if the Executive was in possession of any information respecting our relations with France, not already in possession of the public, that it should be laid before the House. He was desirous of such information for another reason. The House was called upon to legislate in relation to France, on a bill which has been reported in this House, but not yet acted on, to open our ports to the cruisers of France. The House had been informed, too, by the President in his late Message, that the most astonishing changes had taken place on the continent of Europe. It was important to know how far these changes affected our relations with France, and the policy of that measure he had alluded to. These were his reasons, and his only reasons, for offering the following resolution:

*Resolved*, That the President of the United States be requested to communicate to this House any information in his possession touching our relations with France, which in his judgment it is not improper to disclose.

This motion having been assented to by Mr. CALBOUN, of South Carolina, and modified, on the suggestion of Mr. GRUNDY, of Tennessee, by

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the insertion of the words "not heretofore communicated," was agreed to without a division.

**EXPORTATION OF SPECIE.**

The engrossed bill "to prohibit the exportation of specie, gold, or silver coins, or bullion," was read a third time.

Mr. PICKERING, of Massachusetts, said he was too hoarse to make himself heard, and therefore did not rise to oppose the bill, but merely to require the yeas and nays, that he might at least record his vote against this remnant of folly and mischief.

Mr. PITKIN, of Connecticut, opposed the passage of the bill, for various reasons. Specie, he said, would always regulate itself. No Government, even the most despotic, had ever been successful in prohibiting the exportation of specie. He stated it as a fact generally believed by those acquainted with the subject, that more specie had gone from this country during the last embargo, than in any like term of time before, notwithstanding the existence of provisions much more severe than those contained in this bill against exportation, &c. He therefore moved that the bill be postponed indefinitely.

Mr. GRUNDY, of Tennessee, conceived this bill to be one of doubtful expediency, and on which it would perhaps be better that the House should not legislate too hastily. In the present situation of things, it did not appear to him that such a bill was necessary to prevent the drain of specie; and no great evil could arise from postponing the subject till the next session. He should therefore vote for the motion of the gentleman from Connecticut.

Mr. FARROW, of South Carolina, was of opinion with Mr. GRUNDY, that this was a measure of questionable expediency, and, entertaining strong doubts of the propriety of such a law, he also should vote to postpone it.

The yeas and nays having been ordered on the question of postponement at the instance of Mr. NELSON of Virginia—

Mr. GRUNDY, of Tennessee, moved to lay the whole subject on the table, with a view, however, not to call it up again at the present session. His object was to avoid a total rejection of the bill.

Mr. NELSON required the yeas and nays on this motion also. This was a bill reported by the Committee of Foreign Relations, in pursuance of a recommendation from the Executive of the United States. If the bill was important at all as a mean of arresting the exportation of specie, it ought to pass; if not, it ought to be rejected at once, and not acted on sideways, and disposed of by an indirect vote.

Mr. GRUNDY then, with a view to permit gentlemen to give a direct vote on the bill, withdrew his motion; and the question on the indefinite postponement was decided by the following vote: For the postponement 63, against it 60:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Bradbury, Bradley, Breckenridge, Brigham, Butler, Caperton, Champion, Chappell, Cilley, Cooper, Cox, Culpeper, Ely, Farrow, Forney, Forsyth, Gaston,

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Geddes, Goldsborough, Grosvenor, Grundy, Hale, Hanson, Jackson of Rhode Island, Kennedy, Kent of New York, Kerr, Kershaw, King of Massachusetts, Lewis, Lovett, Lowndes, Markell, Miller, Moffitt, Pearson, Pickering, Pitkin, Potter, John Reed, William Reed, Rich, Ridgely, Ruggles, Seybert, Sheffield, Smith of New York, Stanford, Stuart, Sturges, Taggart, Tallmadge, Thompson, Troup, Vose, Ward of Massachusetts, Wheaton, Wilcox, Wilson of Massachusetts, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Bard, Barnett, Beall, Bowen, Brown, Calhoun, Clark, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Desha, Duvall, Eppes, Findley, Gholson, Goodwyn, Griffin, Hawes, Hawkins, Humphreys, Hungerford, Ingersoll, Johnson of Virginia, Johnson of Kentucky, Kent of Maryland, Kilbourn, Lefferts, Lyle, McCoy, McLean, Montgomery, Moore, Nelson, Ormsby, Parker, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Roane, Sage, Sharp, Smith of Virginia, Tannehill, Taylor, Telfair, Udree, Ward of New Jersey, Wilson of Pennsylvania, and Wright.

So the House determined that the said bill be postponed indefinitely.

**COMPENSATION TO MILITIA, &c.**

On motion of Mr. DESHA, of Kentucky, the House resolved itself into a Committee of the Whole on the bill allowing compensation for horses owned by militia or volunteers killed in the service of the United States.

Mr. DESHA moved to amend the bill by striking out its general provision, and inserting sections limiting its operation to Gov. Shelby's volunteers and Colonel Johnson's mounted infantry. His reason was, that the horses in these corps had been regularly appraised, and the roll of appraisal returned to, and now in the War Office, and therefore stood on higher ground than like claims generally.

This amendment was opposed by Mr. FARROW, of South Carolina, Mr. BEALL, and Mr. CREIGHTON, of Ohio, on objection to the speciality of the provisions, and by Mr. JOHNSON, of Kentucky, on the ground that there were others as well entitled to relief as the mounted infantry which was under his command, though in his opinion the case of the horses in Shelby's command formed an exception from the general rule, and was particularly entitled to relief.

Mr. DESHA, whose object would be perfectly obtained by the general provision, if that should meet the wishes of the Committee, relinquished the support of his proposed amendment, and the amendment was rejected.

The Committee then rose and reported the bill to the House.

A motion was then made by Mr. RICH, of Vermont, to amend the bill by inserting a new section in the following words:

"And be it further enacted, That the several persons employed in removing the Army from Plattsburg and Burlington to Sackett's Harbor, in the month of March, 1813, be allowed and paid the amount of such damages as they shall have sustained by the loss or injury of sleighs and horses while employed in that

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*Execution of Revenue Laws—Foreign Licenses.*

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service, said damages to be ascertained in such manner as the President of the United States shall direct."

And after debate, this motion was negatively; and the bill was then farther amended and ordered to be engrossed for a third reading.

THURSDAY, April 14.

Mr. ARCHER, of Maryland, reported a bill for the relief of Joseph S. Hughes; which was twice read and committed.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a revised statement of the debt of the United States; which was read, and ordered to lie on the table.

The bill from the Senate, for the relief of James Lloyd, was twice read and committed.

Mr. WILLIAM REED, of Massachusetts, advertising to the appointment of a committee on the 17th March last, to inquire into the expediency of making a reform in the Naval Establishment, and the impracticability, during the short time which has since elapsed, of maturing a report on the subject, moved that the said committee be authorized to act in the recess, and report at the next session; not with a view to their actually sitting during the recess, but to keep the committee alive until the next session.

After some conversation on the subject, the motion was adopted.

The unfavorable report of the Committee of Claims on the petition of John Pitchlyn, passed through a Committee of the Whole, was, on motion of Mr. ARCHER, of Maryland, reversed, so as to make the report favorable to the petition, and referred to the Committee of Claims, to report a bill for his relief.

A message from the Senate informed the House that they have passed the bill "confirming certain claims to land in the Illinois Territory, and providing for their location," with amendments. The Senate have also passed a bill, "in further addition to an act, entitled 'An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States,'" also, a bill "to lessen the compensation for marshals, clerks, and attorneys, in certain cases therein mentioned;" in which bills and amendments they ask the concurrence of this House.

An engrossed bill, authorizing the purchase of the vessels captured on Lake Erie, was read the third time, and passed.

An engrossed bill, allowing compensation for horses owned by militia or volunteers, and killed or lost in the service of the United States, was read the third time, and passed.

The bill from the Senate, "authorizing an augmentation of the Marine corps, and for other purposes," was read the third time, and passed.

The bill from the Senate, "to authorize the appointment of certain officers for the flotilla service," was read the third time, and passed.

#### EXECUTION OF REVENUE LAWS.

Mr. FISK, of Vermont, moved "that a committee be appointed to inquire into the expediency

of so amending the Judicial system as to give to the Courts of the United States exclusive jurisdiction in all cases arising under the Revenue laws; with leave to report by bill or otherwise."

Mr. F. said, that very lately a new practice had arisen in some of the States. Whenever the collectors were making seizures the States were interfering, so as to interrupt the operation of the revenue laws. He knew one instance, where fifty-six writs had been served on one of the collectors in one week; and, in the State which he had the honor in part to represent, the collectors had been much harassed. If this system could be persisted in with impunity, the revenue laws would be a dead letter. The State courts might levy on property seized for taxes, and, where such a disposition prevailed, entirely defeat the operation of the laws of the United States. It was never the design, certainly, of the framers of the Constitution, to leave the country in such a state.

After some incidental conversation, not affecting the principle involved in it, the motion was agreed to by a majority of 20 or 30 votes; and Mr. FISK of Vermont, Mr. GRUNDY, Mr. INGERSOLL, Mr. GROSVENOR, and Mr. GASTON, were appointed the said committee.

#### FOREIGN LICENSES.

Mr. KING, of Massachusetts, rose to make a motion on the subject of the law now in existence, prohibiting the use of foreign licenses. He thought that it ought to be repealed, for several reasons, which he assigned, viz: That as, in pursuance of the recommendation of the President, every feature of the restrictive system had been abolished, it was important to put our own vessels at least on an equality with those of neutral nations trading with us; that for this purpose a repeal of this law was necessary; that there were absent from the United States, and shut up in European ports, many American vessels, which could not return except under the protection of foreign licenses. He had heard but one objection to this repeal; it was suggested that, to repeal the law in question, would be a kind of submission to the enemy. He thought not. It was the practice of nations generally in time of war, and even in the present war of extermination between France and England, those nations traded directly with each other. Another consideration which ought to induce the House to accede to the motion, was the opinion of American merchants generally, which was in favor of the repeal of the prohibition, &c. Mr. K.'s motion was as follows:

"Resolved, That the Committee on Foreign Relations be, and they are hereby, instructed to inquire into the expediency of repealing an act passed on the 2d day of August, 1813, entitled 'An act to prohibit the use of licenses or passes granted by authority of the United Kingdom of Great Britain and Ireland, and that they have leave to report by bill or otherwise.'"

When Mr. K. submitted this motion, it contained also a clause including the act to prohibit the ransom of vessels captured by the enemy; but, it being suggested that the bill which passed the House on this subject had not yet become a law,

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Mr. K. erased that part of his motion which related to ransoms.

The House agreed to consider the motion, by a vote of 53 to 44.

This resolution gave rise to an animated and extended debate, in the course of which it was modified, on suggestion of Mr. GASTON of North Carolina, by inserting, after the word "Ireland," the following words:

"Or so modifying the said act, as to permit licenses granted by the authority of the Government of the United Kingdom of Great Britain and Ireland to be used, under such regulations and restrictions as may be deemed expedient by the President of the United States."

Those gentlemen who opposed the resolution were, Messrs. CALHOUN of South Carolina, FISK of Vermont, INGERSOLL of Pennsylvania, MURFREE of North Carolina, SHARP of Kentucky, RHEA of Tennessee, McKIM of Maryland, PORTER of Rhode Island, and DUVALL of Kentucky; and those who advocated it were the mover, Messrs. WRIGHT of Maryland, GROSVENOR of New York, SHEFFEY of Virginia, and GASTON of North Carolina.

The debate having rather degenerated into a personal from a national character before its close—that is to say, after the debate had consumed considerably more than four hours—

Mr. MACON, of North Carolina, observing that it was time an end was put to this sort of debate, moved to proceed to the orders of the day.—Negatived, 58 to 57.

Mr. CONARD, of Pennsylvania, requested the previous question; in which he was not supported by a majority of the House.

After a few explanatory remarks from Mr. FISK, of Vermont, in reply to Mr. KING, of Massachusetts, the question on the adoption of the resolution was decided by the following vote:

YEAS—Messrs. Baylies of Massachusetts, Boyd, Bradbury, Breckenridge, Brigham, Caperton, Chappell, Gilley, Cooper, Cox, Culpeper, Davenport, Ely, Gaston, Goldsborough, Grosvenor, Hale, Jackson of Rhode Island, Kent of Maryland, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Oakley, Pearson, Pickering, Pitkin, William Reed, Ridgely, Ruggles, Sheffey, Smith of New Hampshire, Smith of New York, Strong, Stuart, Sturges, Tallmadge, Thompson, Vose, Ward of Massachusetts, Wheaton, White, Wilcox, Winter, and Wright—49.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Barnett, Bowen, Bradley, Butler, Caldwell, Calhoun, Clark, Comstock, Conduct, Conard, Crawford, Creighton, Crouch, Cuthbert, Davis of Pennsylvania, Desha, Duvall, Eppes, Farrow, Findley, Fisk of Vermont, Forney, Forsyth, Franklin, Gholson, Goodwin, Gourdin, Griffin, Grundy, Hall, Harris, Hasbrouck, Hawes, Hawkins, Humphreys, Hungerford, Ingersoll, Irving, Irwin, Johnson of Virginia, Johnson of Kentucky, Kennedy, Kerr, Kershaw, King of North Carolina, Lefferts, Lowndes, Lyle, Macon, McCoy, McKim, McLean, Montgomery, Moore, Murfree, Nelson, Ormsby, Parker, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Ringgold, Roane, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Virginia, Stanford, Tannehill, Taylor, Telfair, Troup, and Udree—81.

[Mr. Beall of Ohio, who was accidentally out of the House when the vote was taken, declared his intention to have voted in the negative.]

So the House rejected the said resolution.

And on motion, the House adjourned until to-morrow.

FRIDAY, April 15.

The bill from the Senate, "to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," was read twice, and committed to a Committee of the Whole to-day.

The bill, from the Senate, "in further addition to an act, entitled 'An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States,'" was read twice, and referred to the committee for revising the Militia laws.

The amendments proposed by the Senate to the bill "confirming certain claims to land in the Illinois Territory, and providing for their location," were read, and concurred in by the House.

On motion of Mr. ARCHER, the Committee of the Whole were discharged from the consideration of the report of the Committee of Claims on the memorial of the Governors of the New York Hospital.

On motion of Mr. INGERSOLL, the Committee of the Whole were discharged from the consideration of the bill prescribing the mode of authenticating the public acts, records, and judicial proceedings, of the several States, and for declaring the effect of certain judicial proceedings.

A message from the Senate informed the House that the Senate have passed the bill "in addition to the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,'" with amendments, in which they ask the concurrence of this House.

On motion of Mr. ARCHER,

*Ordered*, That the Committee of the whole House be discharged from the consideration of the report of the Committee of Claims on the petition of Zachariah Roberts.

The bill from the Senate for the relief of Israel Thorndike was passed through a Committee of the Whole, and reported to the House, where it was debated at length; Messrs. MURFREE, BAYLIES, REED, GROSVENOR, and PICKERING, being the principal supporters of the bill, and Messrs. ROBERTSON, McKIM, TAYLOR, WRIGHT, IRVING, LOWNDES, CALHOUN, EPPES, and GHOLSON, its principal opponents.

The case presented by this bill was that of a cargo of foreign produce exported for New Orleans in the year 1808, and of course without the formalities necessary to secure to the exporter the drawback on exportation, but driven by stress of weather into a foreign port Havana. The bill proposes to allow to Mr. Thorndike drawback on the cargo which was sold at Havana, its re-exportation being prohibited by the municipal regulations in that port, notwithstanding



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Attorney General—Paymaster General.

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the non-compliance with the formalities required by law previous to exportation.

The bill was indefinitely postponed by a majority of 20 or 30 votes.

The engrossed bill making additional appropriations for the support of Government for the year 1814; and the engrossed bill to amend the act laying duties on licenses to retailers (which this day passed through a Committee of the Whole) were read a third time, and passed.

The House then, by a very close vote of 47 to 45, refused to take up the bill respecting Evans's steam engine patent.

The bill to incorporate the stockholders of a National Bank (reported several weeks ago, and which has since slumbered on the table) having been named among the orders of the day, was, on motion of Mr. TAYLOR, of New York, who reported it, indefinitely postponed.

On motion of Mr. LEWIS, of Virginia, that the House resolve itself into a Committee of the Whole on the bill to establish the Bank of the Metropolis, it was determined in the negative, yeas 31.

The bill for the relief of John D. Hay (relieving him from the payment of three hundred and fifty-five dollars, being the amount of money belonging to the Post Office, which was, together with all his other property, consumed by a fire, in which he lost also three infant children) passed through a Committee of the Whole, was ordered to be read a third time, read accordingly, and passed.

A number of orders of the day were called up, which the House refused, by large majorities, to take up until they came to the bill respecting the Office of Attorney General.

#### ATTORNEY GENERAL.

The House resolved itself into a Committee of the Whole on the bill establishing the permanent residence of the Attorney General of the United States at the Seat of Government.

A motion was made by Mr. WRIGHT, of Maryland, to strike out the section providing for increasing the compensation of the Attorney General; and, being assented to by Mr. INGERSOLL, (the chairman of the committee who reported the bill,) was agreed to without a division.

On motion of Mr. NELSON, of Virginia, the bill was further amended by striking out that part of the bill requiring the Attorney General, when required, to make reports, &c., to Congress on cases submitted to him; on the ground that the laws already made such a provision.

The Committee then rose and reported the bill, and the amendments were concurred in by the House.

The bill now containing no other provision than that requiring the permanent residence of the Attorney General at the Seat of Government—

Mr. POTTER, of Rhode Island, moved to postpone the further consideration of the bill indefinitely.

Mr. KING, of Massachusetts, moved an amend-

ment to limit the requisition of the bill to a residence at the Seat of Government during the sessions of Congress and of the Supreme Court.—Negatived.

The bill was then ordered to be engrossed for a third reading, and was subsequently read a third time, and passed.

#### PAYMASTER GENERAL.

The bill from the Senate fixing the salary of the Paymaster General of the Armies of the United States, making an allowance for clerk hire, and for the appointment of Assistant District Paymasters, passed through a Committee of the Whole, on motion of Mr. TROUP, of Georgia.

The provision for augmenting the salary of the Paymaster General from \$1,440 to 2,400, gave rise to considerable discussion. It was opposed by Messrs. EPPES, of Virginia, ALSTON, of North Carolina, and warmly supported by Messrs. JOHNSON, of Kentucky, LEWIS, of Virginia, GHOLESON, of Virginia, McKIM, of Maryland.

The objections made to this provision were, not that an increase might not reasonably be made, but that this was not a time to increase salaries of officers generally, and that no particular increase ought to be made. The discussion resulted, however, in amending the bill so as to allow the Paymaster General two thousand dollars per annum during the war, and, thus amended, the bill passed to a third reading.

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SATURDAY, April 16.

The following resolution was submitted by Mr. JOHNSON, of Kentucky:

*Resolved*, That the Committee of Accounts be, and they are hereby, authorized to pay to Elexius Spalding, George N. Thomas, Richard Stewart, Isaac Phillips, and George Cooper, one dollar and fifty cents per day, for their attendance on the House of Representatives during the present session of Congress, as the entire compensation for their services; and that Oswald Dunn be allowed for his services one hundred dollars.

The resolution was read, and referred to the Committee of Accounts.

A message from the Senate informed the House that the Senate have passed the bill "granting pensions to officers and seamen serving on board the revenue cutters, in certain cases;" also, the bill "concerning the pay of officers, seamen, and marines, in the Navy of the United States;" with an amendment to each, in which they desire the concurrence of this House.

The bill from the Senate, "fixing the salary of the Paymaster of the Army of the United States, and allowing a sum for the employment of additional clerks in his office for the year 1814, and providing for the appointment of assistant district paymasters," was read the third time, as amended, and passed.

A message from the Senate informed the House that the Senate have passed the bill "to alter and establish certain post roads, in which they ask the concurrence of this House.

Mr. ARCHER, of Maryland, reported a bill for

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the relief of John Pitchlyn; which was twice read, and committed.

The Committee of Claims were then, on motion of the same gentleman, discharged from the further consideration of all matters referred to them, and not yet acted on.

A like order was, on motion of Mr. ROBERTSON, of Louisiana, adopted in relation to the Committee on Public Lands.

Mr. FRISK, of Vermont, from the select committee appointed on Thursday, reported a bill providing for the removal of causes in certain cases therein specified, and for other purposes; which was twice read.

A motion was made by Mr. GASTON, of North Carolina, to postpone the said bill indefinitely, and negatived.

A motion was made by Mr. POTTER, of Rhode Island, that the bill do lie on the table, and negatived.

The bill was then referred to a Committee of the Whole.

The amendments of the Senate to the bill, which went from this House, to amend the law relating to calling out the militia, &c., were taken up and concurred in.

Mr. TAYLOR, of New York, from the Militia Committee, reported certain amendments to the bill from the Senate, "in further addition to the act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," which amendments were concurred in, and the bill ordered to be read a third time, and was subsequently read a third time, and passed.

The bill from the Senate "providing for the distribution of money paid into the courts of the United States," passed through a Committee of the Whole, was ordered to a third reading; and was read a third time, and finally passed.

The Committee of the Whole were discharged from the consideration of the bill supplementary to the act for the regulation of the Post Office, on motion of Mr. INGERSOLL, who stated that the lateness of the period in the present session, and the variety of details likely to be inserted in such a bill, rendered it necessary to postpone the consideration till the next session.

The House spent some time in Committee of the Whole on the bill authorizing payment for property captured or destroyed while in the public service by the enemy of the United States; and the bill being reported to the House was ordered to lie on the table.

The bill "for the relief of George Hamilton," and the bill "for the relief of John Whitney and Joseph H. Dorr," passed through Committees of the Whole, were engrossed for third readings, read a third time, and passed.

The House spent some time in Committee of the Whole on the bill to revive and continue in force the act declaring the assent of Congress to two acts of Georgia and Maryland; which being reported to the House, were, on motion of Mr. PITKIN, of Connecticut, ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill "to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes," with amendments, in which they ask the concurrence of this House.

The bill from the Senate "for the relief of James Lloyd," passed through a Committee of the Whole, was ordered to a third reading, and read a third time; when, on motion of Mr. FORSYTH, of Georgia, the bill was ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting his report on the petition of John T. Courtney and Samuel Harrison, which was read and ordered to lie on the table.

The amendments of the Senate to the bill "granting pensions to the officers and seamen serving on board the revenue cutters in certain cases," were read and concurred in by the House.

Sundry amendments made by the Senate concerning the pay of the officers, seamen, and marines, in the Navy of the United States, were taken up. [These amendments go to fix specifically the payment of officers, &c., instead of appropriating an aggregate amount, to be distributed according to the discretion of the Executive.]

Mr. LOWNDES, of South Carolina, having stated that the amendments which had been made were in conformance with the object of the bill as it passed this House; that the pay specified was the same as now given, and always has been, to these officers, moved a concurrence in the amendments, which was agreed to.

The amendments of the Senate to the bill for establishing certain post roads were read, and agreed to.

A message from the Senate informed the House that they have passed the bill "authorizing the purchase of the vessels captured on Lake Erie," with amendments, in which they desire the concurrence of this House. The said amendments were read, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed the bill "concerning invalid pensioners;" also, the bill "making additional appropriations for the service of the year 1814," with amendments, in which they ask the concurrence of this House.

The amendments of the Senate to the bill "concerning invalid pensioners," were read, and concurred in by the House.

The amendment of the Senate to the bill authorizing the purchase of the vessels captured on Lake Erie, (allowing to Captain Perry \$5,000, in addition to the share of the prize money allowed him by law,) passed through a Committee of the Whole, and was concurred in.

[The reason of this amendment was stated by Mr. LOWNDES to be, that although Captain Perry was in fact commander of the fleet on Lake Erie, he would, according to the construction given to the law, only be entitled to his share as

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*Relations with France—Property lost in Public Service.*

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commander of the particular vessel on board of which he fought.]

The bill from the Senate to lessen the compensation of marshals, attorneys, and clerks of court, in certain cases, passed through a Committee of the Whole, and, after an unsuccessful attempt by Mr. INGERSOLL to except those officers in Pennsylvania from the operation of the bill, it was reported to the House, and ordered to be read a third time; and it was read a third time accordingly, and finally passed.

Several very important amendments of the Senate to the additional appropriation bill, going to change entirely the mode of settling certain accounts at the Treasury, and making additional appropriations, were, on motion of Mr. EPPS, referred to the Committee of Ways and Means.

An order passed the House, on motion of Mr. WRIGHT, of Maryland, for paying out of the contingent fund of the House the funeral expenses of G. W. Lindsay, late a Clerk of this House.

The bill from the Senate to incorporate the directors of the Washington Library Company, was taken up by the casting vote of the Speaker, passed through a Committee of the whole House, ordered to a third reading, read a third time accordingly, and finally passed.

The bill for the relief of John Pitchlyn was passed through a Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. FISK, of Vermont, called up the bill "providing for the removal of causes in certain cases therein specified, and for other purposes," which the House refused to take up by the following vote—For the motion 50, against it 52.

#### RELATIONS WITH FRANCE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

*To the House of Representatives of the United States:*

I transmit to the House of Representatives a report of the Secretary of State, complying with their resolution of the 13th instant.

JAMES MADISON.

APRIL 16, 1814.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 13th instant, requesting information touching our relations with France, has the honor to submit to the President an extract of a letter from the Minister Plenipotentiary of the United States at Paris, which contains the latest, and the only material, information received by this Department on that subject.

All which is respectfully submitted.

JAMES MONROE.

DEPARTMENT OF STATE, April 16, 1814.

*Extract of a letter from Mr. Crawford to the Secretary of State:*

"PARIS, January 16, 1814.

"On the 29th ultimo, I had an interview with the Minister of Exterior Relations, who informed me that he had made to the Emperor a detailed report of the negotiation, and that he would inform me of His Majesty's decision, the moment it should be made known to him. His conversation during this interview was as conciliatory as it could be, and his expressions, though still general, admitted that indemnity was de-

termined upon. The address of the Senator Count Segur to the inhabitants of the eighteenth military division of the Empire, published in the *Moniteur* of the 15th instant, stated that His Majesty was going to place himself at the head of his troops. Knowing that I should not be able to advance a single step in the negotiation during his absence, unless he should, before his departure from Paris, decide upon the classes of cases for which indemnity should be made, I determined to address a note to the Duke of Vicenza, with a view to impress more strongly upon his mind the necessity of an immediate decision.

"The day on which I intended to present this note I was informed that the Duke of Vicenza had set out from Paris, at 4 o'clock, A. M., for the headquarters of the two Emperors, which was then said to be in Switzerland. The general impression in Paris that day was that the Emperor would set out immediately for Metz, where his army of reserve has been forming ever since he crossed the Rhine. This circumstance induced me to believe that the note would not produce any good effect. I, therefore, determined not to present it. The Emperor is still in Paris, and I regret extremely that I did not adhere to my first determination, notwithstanding the absence of the Minister of Foreign Relations. From the situation of affairs here, it is impossible to foresee the delays to which this perplexing business will yet be subject. In the first and only interview which I had with the Duke of Bassano, he said expressly that the obstacles which his absence had thrown in the way of the negotiation should not occur again. Two months have not elapsed before the same obstacles are presented."

#### PROPERTY LOST IN PUBLIC SERVICE.

On motion of Mr. JOHNSON, of Kentucky, the House took up the bill authorizing payment for property captured or destroyed by the enemy while in the public service—in Committee of the Whole.

The bill was amended, on motion of Mr. JOHNSON, by the addition of several new sections.

A motion was made by Mr. KING, of Massachusetts, also to amend the bill, by striking out such parts thereof as provide for the indemnification of persons who may hereafter sustain loss of property in the public service.

This motion was opposed with some warmth by Mr. MONTGOMERY, of Kentucky, and Mr. TAYLOR, of New York, and supported as warmly by the mover; after which the question was taken, and the motion negatived without a division.

The Committee then rose, and reported the bill as amended; but before a decision took place on the report, a motion was made to adjourn and carried—57 to 45.

MONDAY, April 18.

A message from the Senate informed the House that the Senate have passed a bill "to authorize the Secretary of State to liquidate certain claims therein mentioned," in which they ask the concurrence of this House. The Senate have also passed the bill "concerning certificates of confirmation of claims to the lands in the State of Louisiana," with amendments, in which they

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ask the concurrence of this House. The Senate have also passed a bill "making an appropriation for repairing the President's house," in which they also ask the concurrence of this House.

Mr. EPPES made a report on the amendments made by the Senate to the bill "making additional appropriations for the service of the year 1814," which was read, and, together with the said amendments, committed to a Committee of the whole House to-day.

Mr. MOORE, from the Committee of Accounts, to whom was referred the resolution submitted on Saturday last, on the subject of the compensations of the attendants of the House, made a report; which was read, and the resolution therein contained was concurred in by the House, amended to read as follows:

*Resolved*, That the following named persons, employed by the Doorkeeper to aid him in the execution of the duties of his office, to wit: Elexius Spalding, Richard Stewart, George N. Thomas, Isaac Phillips, George Cooper, and Oswald Dunn, be, and they are hereby, allowed two dollars per day during the present session, and for four days after the same; and that, for the service of three horses which have been employed in the service of the House, there be allowed one dollar per day each, during the same time; which shall be the entire compensation for the above services: and that the same be paid out of the fund appropriated for the contingent expenses of this House.

The amendments proposed by the Senate to the bill "to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes," were read, and concurred in by the House.

The amendments proposed by the Senate to the bill, "concerning certificates of confirmation of claims to lands in the State of Louisiana," were read, and concurred in by the House.

The bill from the Senate, "making an appropriation for repairing the President's house," was read twice, and committed to the Committee of the Whole, on the amendments of the Senate to the bill "making additional appropriations for the service of the year 1814."

The unfinished business, relative to the bill for payment for property destroyed by the enemy, was laid over by general consent.

The bill from the Senate to authorize the Secretary of State to liquidate certain claims therein mentioned, (of those who took possession of West Florida before the United States interposed its arm to occupy the same,) was twice read, and then, at the instance of Mr. ROBERTSON, of Louisiana, was read a third time, and passed.

The amendments of the Senate to the bill making further appropriations for the support of Government for the year 1814, were taken up.

Those amendments going to change the manner of settling accounts at the Treasury were opposed by Mr. EPPES and Mr. SHEFFEY, because of the lateness of the period of the session precluding a deliberate investigation of the subject. The merits of the amendments were not brought

into the discussion. These amendments were rejected by a great majority, as also were one or two other amendments.

Mr. WRIGHT, of Maryland, moved to amend the bill making an appropriation for repairs to the President's house, (which had been referred to the same committee,) a new section going to appropriate ten thousand dollars for ventilating and raising the floor of the Chamber of the House of Representatives, so as better to adapt it to the transaction of business, to the health of the members, and the convenience of the public.

This motion was supported by the mover, opposed by Mr. FARROW, of South Carolina, and negatived. The bill was lost.

An engrossed bill for the relief of John Pitchlyn was read the third time and passed.

Some time elapsed, and the House being without a quorum, means were taken to procure a sufficient number of members to be present. With this view, a motion was made, at 1 o'clock, to adjourn, and decided by yeas and nays as follows—For the motion 50, against it 89.

Ninety-four members being present, and constituting a quorum, the House proceeded to do some business of little moment.

The bill from the Senate to ascertain and fix the compensation of clerks in the office of the Secretary of the Senate, and the office of the Clerk of the House of Representatives, was again taken up, and read a third time.

[The bill proposes a small increase of these salaries.]

The question on its passage having been required to be taken by yeas and nays, on the motion of Mr. HALL, of Georgia, was determined as follows—For the passage of the bill 48, against it 47.

A message from the Senate informed the House that the Senate have passed the bill "for the renewal of a land warrant to George Shannon," with an amendment, in which they ask the concurrence of this House.

The amendment proposed by the Senate to the bill for the renewal of a land warrant to George Shannon, was read, and concurred in by the House.

#### CONDUCT OF THE WAR.

Mr. MILLER, of New York, rose to submit a motion on the subject of an inquiry into the manner in which the war has been conducted. He would not now say anything in favor of this motion, in addition to what had already been urged on this subject during the present session, unless merely to add, that the recent occurrences on the Northern frontier offered an additional reason why the inquiry should take place. The motion he made was in the following words:

*Resolved*, That a committee be appointed to inquire into the causes of the failure of our arms on the Northern and Northwestern frontier; and that said committee have leave to sit during the recess of the House, and that they have power to send for persons and papers.

On the question of proceeding now to consider

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the resolution, the vote having been taken by yeas and nays, on suggestion of Mr. TROUP, of Georgia, was as follows:

**YEAS**—Messrs. Bradbury, Bradley, Cooper, Gaston, Geddes, Grosvenor, Hale, Hall, Hanson, Hungerford, Jackson of Rhode Island, Lewis, Lovett, Macon, Miller, Montgomery, Oakley, Parker, Pearson, Potter, Ridgely, Ruggles, Sheffield, Sherwood, Smith of New York, Stanford, Vose, White, and Wilcox—29.

**NAYS**—Messrs. Alexander, Alston, Anderson, Archer, Bard, Beall, Bowen, Butler, Caperton, Calhoun, Cilley, Clark, Clopton, Comstock, Creighton, Crouch, Culpeper, Davis of Pennsylvania, Desha, Eppes, Farrow, Findley, Fisk of Vermont, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Harris, Hawes, Hawkins, Humphreys, Irving, Johnson of Kentucky, Kennedy, Kent of Maryland, Kerr, Kilbourn, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McLean, Moore, Nelson, Ormsby, Pickens, Piper, Pleasants, Rea of Pennsylvania, Rhea of Tennessee, Roane, Robertson, Sage, Sevier, Seybert, Sharp, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Treup, Wilson of Pennsylvania, and Wright—68.

So the House refused now to proceed to consider the said resolution.

**ADJOURNMENT.**

The usual order was then adopted to appoint a joint committee to wait on the President of the United States, to inform him both Houses, having completed the business before them, were about to adjourn. Mr. ANDERSON and Mr. WHARTON were appointed on the part of the Senate, and Messrs. EPPES, OAKLEY, and ROBERTSON on the part of this House.

Mr. EPPES, from the committee appointed to wait on the President of the United States, reported that they had performed the duty assigned to them, and received for answer, that he had no further communications to make to the House.

And the House, after receiving back all the bills which had been laid before the President, adjourned until the last Monday in October next.

**A SUPPLEMENTAL JOURNAL**

*Of such proceedings of the Second Session of the Thirteenth Congress, as, during the time they were depending, were ordered to be kept secret, and respecting which the injunction of secrecy was afterwards taken off by order of the House.*

**THURSDAY, December 9, 1813.**

The following confidential Message was received from the **PRESIDENT OF THE UNITED STATES**:

*To the Senate and House of Representatives of the United States:*

The tendency of our commercial and navigation laws, in their present state, to favor the enemy, and thereby prolong the war, is more and more developed by experience. Supplies of the most essential kinds find their way, not only to British ports and British armies at a distance, but the armies in our neighborhood, with which our own are contending, derive from

our ports and outlets a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters are, by like supplies, accommodated and encouraged in their predatory and incursive warfare.

Abuses, having a like tendency, take place in our import trade. British fabrics and products find their way into our ports, under the name and from the ports of other countries; and often in British vessels, disguised as neutrals, by false colors and papers.

To these abuses it may be added, that illegal importations are openly made, with advantage to the violators of the law, produced by undervaluations, or other circumstances involved in the course of the judicial proceedings against them.

It is found, also, that the practice of ransoming is a cover for collusive captures, and a channel for intelligence advantageous to the enemy.

To remedy, as much as possible, these evils, I recommend:

That an effectual embargo on exports be immediately enacted.

That all articles, known to be derived, either not at all, or in any immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place, or in whatever vessels, the same may be brought into the United States; and that all violations of the non-importation act be subjected to adequate penalties.

That, among the proofs of the neutral and national character of foreign vessels, it be required that the masters and supercargoes, and three-fourths at least of the crews, be citizens or subjects of the country under whose flag the vessels sail.

That all persons concerned in collusive captures by the enemy, or in ransoming vessels or their cargoes from the enemy, be subjected to adequate penalties.

To shorten, as much as possible, the duration of the war, it is indispensable that the enemy should feel all the pressure that can be given to it; and the restraints having that tendency, will be borne with the greater cheerfulness by all good citizens; as the restraints will affect those most, who are most ready to sacrifice the interest of their country in pursuit of their own.

**JAMES MADISON.**

**DECEMBER 9, 1813.**

The Message was read, and referred to the Committee on Foreign Relations.

**FRIDAY, December 10.**

**EMBARGO.**

Mr. GRUNDY, from the Committee on Foreign Affairs, reported a bill laying an embargo on all ships and vessels in the ports and harbors of the United States; which was read twice, and committed to a Committee of the whole House to-day.

A motion was made by Mr. POST, that the bill be printed; and the question being taken, it was determined in the negative—yeas 52, nays 82, as follows:

**YEAS**—Messrs. Baylies of Massachusetts, Bigelow, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Dewey, Duvall, Ely, Gaston, Geddes, Grosvenor, Hanson, Huffy, Hungerford, Jack-

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son of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Moffit, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ruggles, Schureman, Sheffey, Shipherd, Smith of New York, Smith of Virginia, Stanford, Stockton, Stuart, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

**YAYS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Denoyelles, Desha, Eppes, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Kennedy, Kent of Maryland, Kerr, Kershaw, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rhea of Tennessee, Rich, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright and Yancey.

The House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

## SATURDAY, December 11.

The order of the day, on the bill laying an embargo on all ships and vessels in the ports and harbors of the United States, being called for, Mr. OAKLEY moved that the said order be postponed until Monday next; and the question being taken, it was determined in the negative—yeas 45, nays 70, as follows:

**YAYS**—Messrs. Baylies of Massachusetts, Bigelow, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Dewey, Duvall, Ely, Gaston, Geddes, Grosvenor, Hanson, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffit, Moseley, Oakley, Pickering, Pitkin, Post, John Reed, Ruggles, Schureman, Shipherd, Stanford, Stockton, Stuart, Sturges, Taggart, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

**NAYS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Bowen, Bradley, Calhoun, Cheves, Comstock, Condict, Conard, Crawford, Creighton, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Eppes, Farrow, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Hungerford, Ingham, Irwin, Kennedy, Kent of Maryland, Kerr, Kershaw, Lefferts, Lowndes, Lyle, Macon, McCoy, McKim, McLean, Murfree, Nelson, Newton, Parker, Pickens, Piper, Rich, Roberts, Robertson, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Troup, Udree, Whitehill, Wilson of Pennsylvania, and Yancey.

The House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. NELSON reported that the Committee had again had the said bill under consideration, and made amendments therein; which were delivered in at the Clerk's table, where they were again read, and concurred in by the House.

A motion was made by Mr. GASTON to strike out the fourth section of the bill, and in lieu thereof to insert:

“**SEC. 4.** That the Collectors of the Customs be and they are hereby authorized and required to grant a general permission to vessels or boats whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes, within the jurisdiction of the United States, to take on board, at any time, any articles of domestic or foreign growth, bond with one or more sureties being previously given to the United States by the owner or owners, consignees, or factors, of such vessel or boat, in an amount equal to one hundred dollars for each ton of said vessel, that such vessel shall not, during the continuance of this act, depart from any district of the United States without having previously obtained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure a manifest of the whole cargo on board; and that such vessel shall not, during the continuance of this act, be in any manner engaged in a violation of this act.”

And the question being taken, it passed in the negative—yeas 51, nays 80, as follows:

**YAYS**—Messrs. Baylies of Massachusetts, Bigelow, Brigham, Caperton, Champion, Chappell, Cheves, Cilley, Cooper, Cox, Creighton, Dewey, Duvall, Ely, Gaston, Geddes, Grosvenor, Hanson, Hufty, Hungerford, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffit, Montgomery, Moseley, Murfree, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Robertson, Ruggles, Schureman, Shipherd, Smith of New York, Stanford, Stockton, Sturges, Vose, Wheaton, White, Wilcox, Wilson of Pennsylvania, and Winter.

**NAYS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Burwell, Butler, Caldwell, Calhoun, Clopton, Comstock, Condict, Conard, Crawford, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Eppes, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Irwin, Kennedy, Kent of Maryland, Kerr, Kershaw, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rhea of Tennessee, Rich, Roberts, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wright, and Yancey.

A motion was then made, by Mr. STOCKTON, to strike out the first section of the bill; on which,

Mr. STOCKTON addressed the Chair as follows:

Mr. Chairman: Being utterly opposed to this bill in all its principles and details; believing that its provisions are not only destructive of the prosperity, but hostile to the liberties of this people; I deem it an indispensable duty to call for the solemn decision of the Committee upon its merits, by moving that the first section be stricken out. It is with unfeigned and extreme reluctance that I have imposed this task upon myself; it is always irksome to me to take a part in debates here, because I know but too well that any interference of this side of the House, in measures agreed upon by the other, is useless. It is, moreover, manifest to me, that it has been resolved by



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the majority that this bill, in all its deformity, shall pass; that no exertion of ours can arrest its progress or amend its defects. It is just, however, that responsibility should attach to those gentlemen by whose votes it may be enacted. I consider myself bound to protest against its passage, and to defend, however unsuccessfully, the rights and interests of those who sent me here, now most unjustly and unnecessarily attacked; I shall not, however, detain you long, but will endeavor to express myself in as few words as I can use, so as to be understood. This measure is now brought forward as a war measure; as such it has been recommended to us by the President; as such it has been defended by the gentlemen of the majority in the very limited explanations which they have condescended to give us. It is asserted, that our citizens, forgetful of the duty which they owe to their country, now engaged in war, traitorously supply the enemy with provisions, and thereby enable him to carry on the war; that, by the aid of this bill, the war will be shortened; and brought to a speedy close; that, if it is not enacted into a law, the enemy will continue to be supplied, and thereby be enabled to continue the war as long as he shall see fit. This, sir, is specious reasoning; and if I believed the premises upon which it rests, or had any confidence in the conclusion drawn, I would vote for all those parts of the bill that I consider to be Constitutional; for there is nothing which I could legally do, that I would not do, to bring this war to a speedy close. But I do not believe the fact asserted, nor the deduction made from it, supposing it to be true. Let us then examine this subject as it is placed before us, first in point of fact, and then consider whether the professed object "to shorten the war" will probably be effected by it. I understand the assertion to be, that our citizens supply the enemy with provisions, directly and criminally; it is not simply that the enemy are fed by the provisions from this country, in the course of its neutral commerce, but that they are supplied by a direct, illegal, and corrupt traffic, kept up with them in defiance of the law. This is a high and weighty charge, and before we find our constituents guilty of it, and proceed to judgment and punishment, we ought to require, and be furnished with palpable proof of its truth. Now, there is not a particle of testimony before us to support the assertion. Does any member know the fact to be so, on his own knowledge? If he does, let him say so. No gentleman has pretended to have any personal knowledge of the fact; we must, therefore, look to some other quarter for the evidence of its existence. But I may be answered, that the President has given us the necessary information; true it is, that in his confidential Message, he has assumed the fact; but he has not deigned to furnish this House with the proof upon which he has hazarded the assertion. And yesterday, when an honorable gentleman from New York, (Mr. OAKLEY,) moved that we should respectfully apply to the President to lay before us the evidence in his possession, this request, though highly proper and reasonable, was

denied by the majority. Shall, then, Presidential assertion stand for full proof in a case like this? Does it comport with the justice, with the honorable independence of this House, to proceed to condemnation and punishment, to be inflicted on the community whom we represent, and of whose rights and character we are the guardians, upon no other ground than Executive communication? I think not. There was a time when the gentlemen on the other side taught and acted differently. Then, jealousy of Executive power and influence, carried even to the extreme, was a civic virtue; but now, the satisfaction which full information on so interesting a matter would have given to us and to our constituents, has been held not worth the delay of a few hours; and when we return to our people, and it shall be demanded of us upon what proof we convicted them—the only answer which we shall be able to render will be, that the President told us that they were trading with the enemy.

Information on this point was all-important, to enable us to ascertain the extent and character of the alleged traffic. For myself I must say, that I do not believe that it has ever been carried on to such an extent as would have any operation on the war. On a small scale, contributing perhaps to the comfort of the naval commanders of the enemy on our coast, it may have been done. That the enemy should entice the poor people who inhabit the seacoast, to furnish him with vegetables, poultry, and small articles of this sort, was to be expected. Nor can the act of yielding to the temptation of a high price be justly considered either unnatural or highly criminal, when we reflect upon the unprotected state in which those people have been left. And remember, that if such articles are not furnished voluntarily, they might and certainly would be taken forcibly. And shall we destroy what remains of the commerce of this great community for such a cause as this? If, then, there is no evidence before us of the fact, shall we presume it? No, we ought not. I do not believe, I will not suffer myself to believe, (in the absence of testimony and personal knowledge,) that the citizens of this country supply the enemy with the means of carrying on the war on our coasts. I consider the accusation as unfounded; and instead of acting upon it as a truth, will, unless I have further information, repel it as false.

Let me ask, if this unlawful traffic has been carried on to the enormous extent contended for, why have the laws been permitted to slumber over it? Why has not the criminal (as my honorable friend from New York, Mr. GROSVENOR, said yesterday) been exposed, arraigned, punished and disgraced? There has not been a conviction to my knowledge, for this offence, within the limits of the United States. Surely our Government, with its tribe of officers and dependents, would have discovered the guilty. Had the guilt have been committed, our independent courts and jurymen would have punished the offender. The offence then must have been rarely committed, if it ever has been committed.

In New Jersey, there are as many facilities for

carrying on this commerce as anywhere. We have a seaboard extending from the Capes of Delaware to Sandy Hook, inhabited by many poor people, along which the British squadron has been cruising from the time when war was first declared. But I have never heard, nor do I believe, that the enemy has received from New Jersey any supplies important in the war. Though it is very likely that he may have obtained some accommodation of the trifling nature I have alluded to. But, even of this, I have no direct information or personal knowledge. This bill then wants the fundamental fact on which it has been recommended to us. If this ostensible cause furnishes the real motive for this procedure, it is enough to induce us to vote against it, that we have neither evidence, knowledge, or well-founded belief of the existence of that cause as a fact. But suppose that we, too, assume the fact, that our people do trade largely and criminally with the enemy, furnishing him with provisions for his fleet and army. Is embargo the proper remedy? Is the fruit to be expected from it worth the mighty sacrifice which will attend it? Will it, as is asserted, "shorten the war?"

The proper reward of guilt is punishment—but it is the guilty man only who should be punished. If your laws are inefficient, revise and amend them. If your officers are careless, remove them and appoint those who are more vigilant. But do not punish a whole people because of a few sinners. In regard to its operation on the war—is there any foundation for the supposition that the enemy cannot sustain it without the aid they receive from our citizens? What great warlike nation, armed at all points, was ever starved into a peace? It is true, that it might be put to additional trouble and expense; but that this war will be carried on against us as extensively and effectually, after the passage of this bill as before, until we abandon the system, a few months will I fear abundantly evince. All history, as well as our own observation, must convince us that such projects produce effects directly the reverse of what their authors intend. Such an attempt was made on France by Britain, in an early stage of the French Revolution. Then a great scarcity prevailed in France, and the British Minister attempted to coerce her into submission by cutting off her foreign supplies. But what was the consequence? Did it "shorten the war" and bring France to terms? The very reverse actually happened; the spirit of the nation was roused; every foot of ground was cultivated; plenty returned; the plan was rendered abortive, and has been justly considered the weakest that was ever attempted by the Minister who conceived it. The British is the last nation to be materially affected by this scheme, and it is vanity itself to imagine that she will yield to such a pressure. The time also that we have selected, is the most unfortunate that could have been chosen for the experiment. Britain is now allied against France with all the other great continental Powers; her fleets still command the ocean; the granaries of Europe are open to her; through the Baltic she may

command the wheat of the North; the isles and countries bordering on the Mediterranean offer an abundant supply, upon as good terms as those at which it could be obtained here; her own harvests have been for the last year most abundant; and can we reasonably expect to "shorten a war" began by ourselves, with such a nation, by such means? No! it is mere delusion. Distress our own people we may, and certainly will, by such expedients; but if we do not end this war until the embargo gives us peace, we shall wage it *ad Græcas Calendas*. We shall not even take our enemy by surprise. He is not only apprized of our disposition to starve him, but has already felt what our restrictive energies can perform, and past experience should have taught us how worthless and destructive such a policy is. We began this sort of warfare in 1806. Then we prohibited the importation of certain articles, selected very wisely, expecting to distress her great manufacturers, but it produced nothing. In 1808 we called to our aid embargo; that was to starve her islanders; we kept it up until we were tired of it, then abandoned it, and were laughed at by the British Minister. We next resorted to non-intercourse, both with England and France. This neither coerced England, nor satisfied France; and finally we were obliged to declare war. Let us no longer be deceived. If we mean to conquer peace, (as the fashionable phrase is;) if we mean to attempt to "shorten the war" by any efforts of our own, let them be noble and manly. Let us cherish (as far as we get any) our commerce; to replenish our treasury; to enable our citizens to support the burdens imposed, and to be imposed upon them; unrestrained by too much regulation it will take care of itself. Let us sacredly obey the Constitution and laws, in war as well as in peace, whatever we may think of their justice or policy. Let us face the enemy like men. Meet an invading foe on the shore of our seas, and let that be the field of battle. Let those who made this war; those who delight in a war of invasion and conquest; those who aspire to the honor of being the founders of the great Western Commercial Empire, which will reach from Halifax through the Canadas and Lakes to New Orleans; let these men shorten the war on the ramparts of Quebec. Thither let the brave Western militia (who have covered themselves with unfading glory) resort. Happily, on their route, they may fall in with their brethren of the standing army; be able to inspire its Generals with wisdom and concord, and infuse into the men a portion of their own martial spirit. Then may our people forget the errors which have attended our career; this army redeem itself from disgrace, and the American name be as famous for deeds of valor on the land, as it is already for those performed on the ocean.

It is worthy the grave attention of this Committee to consider what will be the operation of this measure upon ourselves; for if its tendency is to injure us more than the enemy, we ought not to adopt it. By this measure, we shall give a most severe blow to the farming interest from

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Carolina to New England. Yes; the interest of that large and valuable portion of our community—the bone and nerve of the body politic—is sacrificed by this bill. The wheat and corn market will be destroyed. Wheat now commands from one hundred and fifty to two hundred and fifty cents a bushel. After this law shall have been in operation a few months, the price will be merely nominal. The crops of the next season will find no market. All our trade, internal as well as external, is by this act placed under the Presidential ban. Even one part of our country in want, will not be able to obtain its supplies from another, where the article may be rotting in warehouses. The member from Louisiana informed us yesterday, that this would probably be the condition of the people in the neighborhood of Mobile. But he was gravely answered by the honorable Speaker, that if such cases occurred, the people must remove to a more plentiful country! What I have said of wheat, and of the middle States, applies to every other article of country produce, and to every farmer in the United States. We shall take from him the fair price of his labor, which has enabled him hitherto to maintain and educate his children. You take it from him, too, at a time when he is taxed almost for the air which he breathes. But the mischief is still greater in particular States. By this fatal measure, you unite with the enemy in depriving many in the Eastern States of their living, of their employments, without which they can scarcely exist. A large portion of that community live by commerce; their land is cold and sterile, but their minds and bodies active and strong; they live by the ocean. Is it an object of this bill to take from them their all, because the enemy have not yet done so?

By this bill we shall reduce them from affluence to poverty; we place before them the sad alternative of breaking through the restraints of this law or starving; and are we not about to incur a most fearful risk? It appears to me, that this measure leads to consequences the most alarming; and of which I will not permit myself to speak. But I do conjure the gentlemen of the majority to pause for one moment and reflect; I conjure all who, with me, consider the Union of these States as the ark of our political safety, and therefore to be cherished beyond all other objects; I conjure every patriotic man to take care how he adopts so rash an expedient. There is a point beyond which freemen will not be compelled to go; but I forbear.

This fatal measure will not only destroy the whole of the export trade which the enemy may leave us, but also our import trade. We impoverish the Treasury, and tax most enormously every citizen in his consumption of foreign articles of the first necessity. What neutral will come to our ports when he cannot take away a return either in specie or produce? None. He will desert these inhospitable shores, and betake himself to other markets. The current of trade will be essentially and perhaps permanently changed. Our already exhausted Treasury will be deprived

of millions of dollars now so much wanted for the public exigencies. And articles, by long habits, become necessities of life—such as sugar, tea, &c., will, like your penalties, be quadrupled in price. Let us not destroy our own children, that we may inflict a light stroke upon the enemy.

What I have said, in regard to the alleged trade with the enemy, and its probable operation on the war here, had no reference to the provision trade carried on through neutral ports, and which may ultimately be applied to the use of the armies serving against the French in the Peninsula. By prohibiting this trade, (as this bill does,) we may perhaps distress the allied army, and for a short time paralyze its efforts. But let me ask gentlemen whether this is the real object, masked under a charge against our citizens of illegally trading with the enemy? Have we indeed been conducted by the invisible hand to this point? Do we really wish to be the open aiders and abettors of the Iron King in his wicked war against Portugal and Spain? Do we really desire to throw our mite, our little spiteful mite, into the scale of the tyrant, against nations fighting for their native land to repel an usurping invader? I hope not, sir. This is not the sentiment of the nation, yet this bill will effect all that can be covertly done by this Government in aid of the French. But even this effort, unwise as it is, will be ineffectual. The cause of Spain and Portugal will succeed; we may embarrass their operations for a moment, but other nations will gladly supply what we shall withdraw. And is this the time to unite our efforts with those of the French? The cause of the tyrant is on the wane; Europe has arisen from her slumbers, and is in arms. Whilst we are adding another knot to the "magic cord" with which he has encircled us—which was to have been cut, but has not been cut by the sword of war—whilst we are affixing our empty rattling "canister to the tail of the beast," the huntsmen are in sight; the extended spear may reach him; he dies, or he lives to devour us. Mistaken, disastrous policy! Thus to throw the weight of a free people into the scale of the oppressor of the world, who has forever returned our caresses by injustice and insult! It does really appear to me, that the passage of this bill, connected with other matters recommended for adoption, in the President's confidential Message, (for this is only the first act of the drama,) we are to be made principal actors in the great continental plan of conquering England by destroying her commerce. And shall we meanly come in at the expiring end of this abortive scheme, to receive and to merit the chastisement of a world? This embargo is only a part of the Executive plan; this bill was brought into the House by the Committee of Foreign Relations as a report in part. The President has advised us to prohibit the importations from neutral ports, of such fabrics as are usually made in England. When this recommendation shall also become a law, he need only add a power in the collectors to burn all goods which they suspect to be of English manufacture, and we have the French system in its very essence.

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But, sir, it is not merely to the general principles and policy of this bill that I object; its details, also, present to my mind most serious grounds of complaint. They are strange and alarming, overturning principles fundamental to our free institutions, and exposing the persons and property of the citizens to arbitrary sway. Having had no opportunity to examine this bill, (the House refusing yesterday to print it,) my recollection of its particular provisions may not be precisely correct. I can therefore only present to the view of the Committee a few general objections to the form which has been given to it. In the first place, the penalties appear to me to be unreasonably severe, and disproportionate—making no discrimination between different degrees of guilt—taking from the courts the common power to graduate the degrees of punishment, and apportion them to the circumstances of each case, involving all who transgress one "tittle" of the law in indiscriminate ruin. Every law should have a proper sanction to secure its execution; every crime should be punished so as to reclaim the offender, or deter others from doing the like. All beyond this is abuse of power. The American people have shown much concern on this important point. They have expressed their disapprobation of severe punishment by generally ameliorating their criminal codes. This bill confiscates the vessel and cargo, the carriage and goods of every man who infringes its provisions; and superadds a penalty of four-fold the value of the whole! This is the rule even in cases where the vessel, or carriage and goods, are seized and confiscated. This is enormous, and beyond all bounds of justice and reason. Besides, there is no discrimination between the case of him who shall break this law with the criminal intent to aid the enemy, and him who may attempt to send away his goods to a neutral port, to save himself from ruin. And yet no one can pretend that the grade of criminality is the same. This bill also invests the President, and through him the custom-house officers, with powers of vast extent, affecting the personal rights and property of our citizens, contrary to the spirit and letter of our Constitution and laws. Custom-house officers may enter houses and seize the property of any man whom they shall see fit to suspect. They may even interrupt the transportation by land, of the produce of the country from one place to another, within the United States, (a branch of business now of the utmost importance,) under pretence that a wagon is going towards a port from which the goods might be exported—or towards a place in the possession of the enemy. The President's orders constitute the law of the land, going as far as a law of Congress can give full and entire protection to the person executing such orders.

The good old rule which we received from our ancestors, and to be found in *Magna Charta*, that no freeman shall be passed upon either in person or property but by due course of law, is lost sight of, and the American people are placed under the dominion of a single man. But this is not the

most deformed picture of the bill; the means by which these formidable powers are to be executed, are still more dangerous and alarming. The collectors and custom-house officers (famous in history for acts of oppression) may call to their aid military force, whenever they see fit, without control or responsibility. This prostrates at once the liberty of the people; it is executing civil process by military power, where no actual resistance has been made to the civil authority. There is no shield interposed between the breast of the citizen and the bayonet of the soldier; all depends on the discretion of a custom-house officer. A host of petty tyrants will desolate the land, and woe be to him who shall incur their resentment; they have only to point out an individual as an object of suspicion, and the military force raised to defend his rights may assault his castle and seize his person. This strikes at the root of our free institutions; it is proclaiming martial law; it is repugnant to the Constitution and laws of this nation. The Constitution invests Congress with power "to call forth the militia to execute the laws of the Union." Military force cannot be resorted to originally, not even the militia force; much less can a mercenary army be at once called in. Within this section a military force can only be used when the civil power has been found to be incompetent. The act of Congress passed during the first Administration, to give effect to this Constitutional provision, expressly requires a judicial certificate from a judge of the United States that the civil authority is incompetent, before the militia can be "called forth." But the bill before us contains no such provision; military force may be resorted to in all cases at the discretion of the collectors. And let me ask, if it has been reserved for these gentlemen, formerly so watchful of the liberty of the people, so alarmed at every extension of Executive power, to do more to destroy the one and extend the other, than they have ever accused their opponents of intending? I move, sir, that this bill be amended, by striking out its first section.

Mr. PITKIN said, he was highly gratified that his honorable friend from New Jersey, had moved to strike out the first section, for the express purpose of trying the principle of the bill.

From the tenor of the President's Message recommending this measure, as well as from the bill itself, he was satisfied that an embargo was now to be laid, to continue during the present war; and that, so far as it depended on the power of the Government, all intercourse was to be stopped between the United States and the rest of the world, during that period. As to the duration of the war, it was beyond the reach of ordinary calculation. If, as some gentlemen have declared, both in and out of this House, peace is not to be made until the Canadas and Nova Scotia are conquered and ceded to us by treaty, the period of the termination of the war is far distant indeed.

The embargo is recommended by the President, as a measure necessary, in order to prevent all intercourse with the enemy, not only on our fron-

tiers and along our coasts, but also to prevent any indirect trade with them, by means of neutrals, in all parts of their dominion, and thereby distressing them to that degree as to induce them to make peace.

He had thought that this new system of warfare, by embargo and non-intercourse, had been tried and found wanting. He well remembered, when war was in fact declared, it was stated by its advocates that the restrictive system was to be abandoned.

We are now, however, said Mr. P., not only to have war, with all its calamities, but, during the continuance of it, we are also to superadd all the evils of an embargo, and a complete non-intercourse with all the world.

He begged the Committee to consider, in the first place, whether the effects and operation of this measure upon the enemy, would be such as was contemplated; and, in the next place, to reflect upon the effects and operation of it upon ourselves.

That the enemy in Canada, and along our coast, have been furnished by our citizens, as well as by neutrals, with some articles of provisions, was not to be doubted; but, would it for a moment be believed, if those supplies could be entirely prevented, that the armies of the enemy would be obliged to leave Canada, or their fleets compelled to abandon our coasts?

They might not, indeed, have all the conveniences, but they would have all the necessities of life. Their ships have always a large supply of beef, pork, and ship bread, sufficient for almost any length of time they might remain here. But if the laws now in force are insufficient to prevent these supplies, will an embargo produce this effect? Mr. P. said, he would never approve or justify the conduct of any of our citizens in trading with the enemy. Those who are thus guilty are now punishable, not only with the loss of their property, but are also liable to a fine and imprisonment. Let the law be enforced upon the offenders with the utmost rigor, but do not punish a whole community, on account of the criminality of a few individuals. You may pass what laws you please, this intercourse cannot be entirely prevented. When the temptation from a prospect of gain is so great, and this temptation will be much greater from the effects of the embargo itself, individuals will always be found, whose patriotism will be unable to resist it.

In favor of this measure it is also urged that, by permitting our provisions and raw materials to depart from our ports, they find their way either directly or indirectly to the ports of the enemy, and that British manufactures also, through various channels, find their way into our ports, by which means the enemy are, in a great measure, relieved from the pressure of the war.

To prevent this, and thereby to compel the enemy to listen to overtures of peace, on our own terms, all intercourse with any part of the world is to be prohibited.

It is unfortunate, said Mr. P., that past experience has not taught us lessons of political wis-

dom on this subject. For many years, England and America have been the only considerable commercial nations in the world. With a tonnage almost equal to that of Great Britain, superior to that of all the rest of Europe besides, our merchants, when neutral, were almost without a rival in every market. The vessels of the United States are driven from the ocean, and locked up in our own ports. Great Britain has the commerce of the world at her command, with the exception of that of the United States, and of those countries under the immediate control of the Emperor of France. The North of Europe, by way of the Baltic, is now open to her. The extensive countries bordering on this sea, furnish a market for a large proportion of her manufactures, and from whence also she is able to draw large supplies; and, whatever opinions may be formed as to the result of the present campaign in the North of Europe, we may safely calculate that the "frightful climate" of Russia will not again soon be encountered by the French armies. While Russia, therefore, is open to British commerce, her manufactures will find their way, not only into that country, but into the interior of Europe.

The Mediterranean and the Black Sea are also open, and from the countries bordering on these, she can, and does, obtain large quantities of wheat flour. Whatever trade Africa may have, it is at the command of the British; and the whole trade of the East Indies, the East India Islands and China, are entirely in her possession, and under her control. Add to these, the Brazils, the Spanish West Indies, and the whole of Spanish America. With this extensive commercial range, who can seriously believe that our embargo, even though enforced at the point of the bayonet, can bring such distress upon her fleets and armies, or upon her West India Islands, or can so injure her manufactures, as that Great Britain will be compelled to sue for peace? But, said Mr. P., the effects and operation of this measure upon our own country, and upon our citizens, ought not to escape our attention. With an embargo, limited in duration to the end of this war, what, in the meantime, is to become of the rest of the surplus produce of our soil? It must rot upon our hands, or our citizens must be driven to different objects of pursuit. There are three great interests in this country—the agricultural, commercial, and manufacturing. Such interests, instead of being opposed, do, in fact, mutually support, and are supported by, each other; and it is the duty of a wise Legislature to give all proper encouragement and protection to them all. Neither should be sacrificed to promote the prosperity of the other. Spread, as our citizens are, over an extensive country, reaching almost from the polar to the tropical regions—a country, differing materially in soil, in climate, and in productions; these different interests, in different sections, have more or less predominated among them. Cut off from all intercourse with the rest of the world, the agricultural as well as the commercial interest of our citizens, will, in a great measure, be sacrificed. What is to become of the great staples of our

country? The cotton, tobacco and rice, of the South; the wheat and flour of the Middle States; and the lumber, beef, pork, corn, corn meal, and (he was about to add, said Mr. P., the fisheries, but these the war has already annihilated) of the North and East. The price of all these, as well as others, the produce of our soil, must be greatly reduced, or the quantity diminished to that of our own consumption, while, at the same time, the price of all those articles for which we are, and must be dependent upon foreign nations, such as sugar, coffee, teas, &c., which are now considered as necessities of life in every family, must be enhanced beyond all calculation.

Although the effects of this embargo and non-intercourse will be felt severely in almost every part of the United States, yet, said Mr. P., it must fall with peculiar hardship on those States where a great proportion of our shipping is owned, and which have sometimes been called the navigating States. The war, it is true, has already, in a great measure, destroyed their navigation; and the embargo now comes in to complete the destruction of that part which the war had left them. In 1810, the whole tonnage of the United States was estimated to be 1,424,781, and of this the New England States and the State of New York owned 881,840, leaving, for all the other States, but 542,944, and of this whole tonnage, Massachusetts alone owned 495,203.

In nearly two hundred years have the people of Massachusetts and the East been accustomed to obtain a subsistence for themselves and families, by commerce. Situated, as many of them are, along the seacoast, on a hard, sterile soil, and in a severe climate, their ships are their all. Deprived of these, they have nothing left. Can you expect, said Mr. P., to change the habits of these people, or to stop them in those pursuits to which they have so long been accustomed? As well might you attempt to change the regular succession of Summer and Winter, of day and night; as well might you attempt to stop the ebbing and flowing of the sea.

But, said Mr. P., let gentlemen also seriously reflect upon the effects this measure must necessarily have upon the revenue of the country. All exportation being prohibited, importations, of course, must soon cease. Indeed, the President's Message recommends what will amount almost to a total prohibition of imports as well as exports.

Additional direct taxes and internal duties, to a large amount, are the only sources of revenue to which we can resort. The late Secretary of the Treasury, as well as the Committee of Ways and Means, have hitherto considered it as indispensably necessary to raise a sum annually, which should be sufficient to pay the interest and reimbursement of the public debt, to defray the ordinary peace expenses of the Government, and also to pay the interest of the war loans. The sums necessary for the two first objects have been estimated at between nine and ten millions of dollars; and the interest of the war loans, at the close of the present year, cannot be less than three mil-

lions. The amount of the double duties on imports was estimated at five millions of dollars; the residue was to be derived from the direct tax, and from the internal duties imposed during the last session of Congress, together with the proceeds of the public lands.

To make good the deficiency of the imports, and to pay the increasing interest of the war loans, an additional sum of not less than five millions of dollars must be raised, either by direct taxes, or from other internal resources. How, it may be asked, can the people of this country, with little or no market for their produce, and with the enhanced prices of all foreign articles, pay annually by internal taxes the enormous sum of from ten to twelve millions of dollars?

The President, in his Message at the opening of the present session, has told us that "the war is illustrating the capacity and the destiny of the United States, to be a great, a flourishing, and a powerful nation."

That the United States, if left to themselves, are destined to be great, flourishing, and powerful, few, perhaps, will doubt. But, sir, they are not to become so by embargoes and non-intercourse. They are not to become so by a system which goes to paralyze and destroy the energies of the nation. They are not to become either great or powerful, by the exercise of the passive, but by calling into operation the active virtues of their citizens.

As this war is said to be waged for free commerce and sailors' rights, let the merchants employ their vessels in the trade, which is still left open to them; and let our sailors fight their way to a market, on that element where their rights have been infringed.

Mr. WHEATON said: The motion now under consideration being to strike out the first section of the bill before you, a decision upon which is to involve the fate of the whole, any observations touching its merits or demerits generally, it is presumed, will not be deemed to be out of order. Copies of it not having been laid upon our tables, as has been usual in all cases of considerable importance, I have had no opportunity of examining its details, nor do I want any. The sound of its very name is so grating to the ear, as to induce the belief that its picture cannot be very pleasing to the eye. The object contemplated by its projector, and which those that are determined to vote for it now have in view,—for advocates, it has none, no one having spoken in its favor—may not be very difficult to conjecture; and I really want no prophet to inform me what will be its consequences and effects; and were practising upon the principle of doing evil that good might come reconcilable to conscience, I am not certain that my voice would not be in support of it. But, doubting of the correctness of such a principle, and believing any aid from me will be unnecessary, with whatever cheerfulness I may acquiesce in the decision of the majority, I may excuse myself from being one of them. It ought not to be presumed that this measure is designed to relieve the enemy from the trouble and ex-



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pense of blockading our ports, but to press him into a compliance with our wishes. That it will press hard upon the enemy, or harder upon ourselves, cannot be questioned; and, if it shall make him willing to offer us terms of peace, or us willing to accept of them, the fondest wish of my heart will have been attained. In the result of the former, I have no belief; in that of the latter, I entertain a strong hope. How is this to occasion any considerable pressure upon the enemy? Will it either frighten or starve them? Can it for a moment be believed, that a nation accustomed to war, and never forgetting what will be necessary in its progress, with the ocean at her command, and the resources of the world at her disposal, could ever have trusted to the scanty supplies that our citizens, however disposed, could, in the existing state of things, by any possibility, have afforded her? It would seem that the project of restricting commerce had been sufficiently tried, and that, by this time, we might be ready to shake off its shackles; but, as if trial could not teach us, nor proof convince us, we are still called upon implicitly to confide in that in which we have been confounded. Our Government may boast the original invention of this mode of warfare, and, though unpatented, there is no danger of its being pirated. From the experience we have had of the benefits resulting from its adoption, we need not be apprehensive that any other nation will follow the example. But, if its effects should not be felt by the enemy, none need fear that they will not be severely felt by us; and the consideration that no great good is to be attained, but through much tribulation, may induce an acquiescence in the measure. The war in which we are so unhappily engaged, though attended with some brilliant incidents, gives us no promises, by its successes hitherto, on which we can rely, of the attainment of any valuable object in relation to our foreign relations. And yet, strange to tell, it has acquired some degree of popularity with the very men originally opposed to it, while those of another class, the most clamorous for it at its commencement, are beginning to be tired of it. This madness wants a cure; and if we explore the causes of it, it can be little doubted that an *effectual* embargo will afford an *effectual* remedy. The war having opened a wide field for speculation, the men of property originally opposed to it, impatient of remaining in that idle situation into which it had thrown them, have at last made adventures of their money in a war state of things; they therefore cannot wish its termination till they find a beneficial result to their speculation. The farmers in the country, by the very high price which their produce has commanded, have been able to watch the holders of foreign goods, as well as those engaged in manufacturing them at home. Therefore it is, that they also, feeling very little inconvenience from the war at present, have no great objection to its continuing a little longer. But an embargo, by raising the price of all foreign articles as well as home manufactures at once, will soon put a stop to these speculations. The dealers in these goods

will have made a delusive profit, not being able to replace the same by the money they have got. The farmers, in consequence of the very reduced price of everything they have to sell, will become poor, besides being exposed to an enormous tax, by the use of everything they may have occasion to buy; and the manufacturer, by reason of the very high price of his stock, occasioned by the heavy expense of land transportation, cannot sell low; and the people, reduced to poverty, will be unable to buy. And thus the whole will unite in condemning the war and everything leading to it, as well as every measure adopted to aid and protract it, and will be willing once more to acquiesce in that high and honorable state of prosperity which they enjoyed before the dismal day in December, 1807, when the first mad project like unto this was attempted to be put in execution. But if war, taxes, and embargo, at once in operation, will not bring the people to their senses, there is every reason to fear that the good genius that has presided over this country, desponding of his charge, will give it over to absolute ruin.

The question was taken on striking out the first section, and negatived—yeas 52, nays 83, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow Brigham, Caperton, Champion, Cheves, Cilley, Cooper, Cox, Dewey, Duvall, Ely, Gaston, Geddes, Grosvenor, Hanson, Hufty, Hungerford, Kent of New York, King of Massach'ts, Law, Lewis, Lovett, Lowndes, Markell, Miller, Moffitt, Montgomery, Moseley, McKee, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ruggles, Schureman, Sheffield, Shipherd, Smith of N. York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompon, Vose, Wheaton, White, Wilcox, Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clop-ton, Comstock, Conduct, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Eppes, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Kennedy, Kent of Maryland, Kerr, Kershaw, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rhea of Tennessee, Rich, Roberts, Robertson, Sage, Savier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright and Yancey.

Another motion was made by Mr. GROSVENOR, to amend the bill in the 13th section, by striking out the words, "or such instructions as the President may give, and such rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid, which instructions and rules the Collectors shall be bound to obey;" and to insert, in lieu thereof, the words, "the laws of the United States."

And the question being taken, it was determined in the negative—yeas 56, nays 80, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Brigham, Caperton, Champion, Cheves, Cilley, Cooper, Cox, Davenport, Dewey, Duvall, Ely, Far-

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row, Gaston, Grosvenor, Hanson, Hufty, Hungerford, Jackson of Rhode Island, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, McKee, Miller, Moffit, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ruggles, Schureman, Sheffield, Shipherd, Smith of New Hampshire, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, Wilson of Pennsylvania, Winter, and Yancey.

**NAVS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Dawson, Denoyelles, Desha, Eppes, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Irving, Kennedy, Kent of Maryland, Kerr, Kershaw, Lefferts, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rhea of Tennessee, Rich, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, and Wright.

A motion was made by Mr. GROSVENOR, to amend the bill by inserting, in the 1st section, after the words "sea stores," the following: "employed in whole or in part by the Government, or in whole or in part for public purposes."

And the question being taken, it passed in the negative—yeas 45, nays 88, as follows:

**YEAS**—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Brigham, Caperton, Champion, Cilley, Cooper, Cox, Culpeper, Davenport, Dewey, Ely, Gaston, Geddes, Grosvenor, Hanson, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Miller, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Schureman, Sheffield, Shipherd, Smith of New York, Stanford, Stockton, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

**NAVS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Dawson, Denoyelles, Desha, Duvall, Eppes, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Hungerford, Ingham, Irwin, Kennedy, Kent of Maryland, Kerr, Kershaw, Lefferts, Lowndes, Lyle, Macon, McCoy, McKee, McKim, McLean, Montgomery, Moore, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rhea of Tennessee, Rich, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

Mr. PITKIN moved to amend the bill by striking out the following words in the 12th section of the bill: "or when in vessels, carts, wagons, or in any manner apparently on their way towards the territory of a foreign nation, or the vicinity thereof."

And the question being taken, it was determined in the negative—yeas 50, nays 83, as follows:

**YEAS**—Messrs. Baylies, of Massachusetts, Bigelow, 13th CON. 2d SESS.—65

Boyd, Brigham, Caperton, Champion, Cilley, Cox, Culpeper, Davenport, Dewey, Ely, Gaston, Geddes, Grosvenor, Hanson, Hufty, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Miller, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ruggles, Schureman, Sheffield, Shipherd, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

**NAVS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Cheves, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Dawson, Denoyelles, Desha, Duvall, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Hungerford, Ingham, Irwin, Kennedy, Kent of Maryland, Kerr, Kershaw, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rhea of Tennessee, Rich, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

A motion was made by Mr. STOCKTON, to amend the bill, by adding to the 12th section the following proviso:

*Provided*, That no part of the land or naval forces, or militia of the United States, or of the Territories thereof, shall be employed by any person to enforce any of the provisions of this act, unless a previous certificate shall be given by two magistrates of the State where such provision is to be enforced, that the civil authorities were incompetent to enforce the same, and that it is necessary to employ the military or naval force.

And the question being taken, it was determined in the negative—yeas 51, nays 77, as follows:

**YEAS**—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Brigham, Caperton, Champion, Cheves, Cilley, Cooper, Culpeper, Davenport, Dewey, Ely, Gaston, Geddes, Grosvenor, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Macon, Markell, Miller, Moffit, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ruggles, Schureman, Sheffield, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

**NAVS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Bowen, Brown, Burwell, Butler, Calhoun, Clopton, Comstock, Condict, Conard, Crawford, Crouch, Dawson, Denoyelles, Desha, Eppes, Farrow, Findley, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Irwin, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rhea of Tennessee, Rich, Roberts, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wright, and Yancey.

A motion was made by Mr. GROSVENOR to

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amend the bill by striking out from the 12th section that occurs after the words "shall have been given," to the end of the section, and to insert the following words: "in double the value of the goods so seized, that the same shall not be exported or disposed of contrary to any of the provisions of this act."

And the question being taken, it was determined in the negative.

A motion was made that the House do now adjourn, and the question being taken, it was determined in the negative—yeas 48, nays 73, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Brigham, Caperton, Champion, Cilley, Cooper, Culpeper, Davenport, Ely, Farrow, Gaston, Geddes, Grosvenor, Hanson, Jackson of Rhode Island, Kent of New York, King of Massachusetts, King of North Carolina, Law, Lewis, Lovett, Macon, Markell, Miller, Moffitt, Moseley, Murfree, Oakley, Pearson, Pickering, Post, John Reed, Ruggles, Seybert, Sheffey, Smith of New York, Stanford, Sturges, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clopton, Comstock, Conduct, Conard, Crawford, Creighton, Crouch, Dawson, Denoyelles, Desha, Eppes, Findley, Fisk of Vermont, Fisk of New York, Forney, Gholson, Glasgow, Goodwyn, Gourdin, Grundy, Hall, Harris, Hubbard, Hufty, Hungerford, Ingham, Irwin, Kennedy, Kerr, Kershaw, Lefferts, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Nelson, Newton, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roberts, Sage, Sevier, Sharp, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wright, and Yancey.

A motion was made by Mr. HANSON to add, to the end of the 13th section, the following proviso:

*Provided always*, That nothing in this section contained shall be construed to impart powers to the President infringing or impairing, in their execution, the Constitutional rights and liberties of the citizen.

And the question being taken, it was determined in the negative—yeas 43, nays 82, as follows:

YEAS—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Brigham, Champion, Cilley, Davenport, Dewey, Ely, Geddes, Grosvenor, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Oakley, Pearson, Pickering, Post, John Reed, Ruggles, Sheffey, Shipherd, Smith of New York, Stanford, Sturges, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

NAYS—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Cheves, Clopton, Comstock, Conduct, Conard, Crawford, Creighton, Crouch, Denoyelles, Desha, Duvall, Eppes, Farrow, Fisk of Vermont, Fisk of New York, Forney, Findley, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Irwin, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lowndes, Lyle, McCoy, McKee, McKim, Moore, Nelson, Newton, Ormsby, Parker, Pickens,

Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wright, and Yancey.

A motion was made by Mr. GROSVENOR to amend the bill in the 13th section, by striking out, in the last line thereof, the words "for his justification and defence," and inserting in lieu thereof, the words "in such suit or action." And, the question thereon being taken, it passed in the negative—yeas 45, nays 75, as follows:

YEAS—Messrs. Baylies of Massachusetts, Boyd, Brigham, Caperton, Champion, Cheves, Cilley, Culpeper, Dewey, Duvall, Ely, Gaston, Geddes, Grosvenor, Hanson, Hasbrouck, Hungerford, Jackson of Rhode Island, Kent of New York, Law, Lewis, Lovett, Markell, Miller, Moffitt, Moseley, Murfree, Oakley, Pearson, Pickering, Post, John Reed, Ruggles, Sheffey, Smith of New York, Stanford, Sturges, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

NAYS—Messrs. Alexander, Anderson, Archer, Avery, Bard, Beall, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Conduct, Conard, Crawford, Creighton, Crouch, Dawson, Denoyelles, Eppes, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Irwin, Kennedy, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKee, McKim, McLean, Moore, Nelson, Ormsby, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roberts, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

A motion was made by Mr. KING to amend the said bill in the fourth section, by inserting, after the word "States," in the seventh line, the words, "or from one port in any State to another port in the same State."

And the question thereon being taken, it passed in the negative.

*Ordered*, That the said bill be engrossed, and read the third time to-day.

A motion was made by Mr. OAKLEY, that the House do come to the following resolution:

*Resolved*, That the President of the United States be requested to cause to be laid before this House the evidence in the possession of the Executive, that "supplies of the most essential kinds find their way from the ports of the United States" to the fleets and armies of the enemy.

*Resolved*, That the President be also requested to cause to be laid before this House the evidence in the possession of the Executive, that the "practice of ransoming" is made "a cover, for collusive captures by the enemy."

And on the question that the House do now proceed to consider the said resolutions, it was determined in the negative—yeas 54, nays 74, as follows:

YEAS—Messrs. Baylies of Mass., Bigelow, Boyd, Brigham, Caperton, Champion, Chappell, Cheves, Cilley, Cox, Culpeper, Davenport, Dewey, Duvall, Ely, Gaston, Geddes, Grosvenor, Hanson, Hufty, Hun-

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gerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Markell, McKee, Miller, Moffitt, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ruggles, Schureman, Sheffey, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

**NAVS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Denoyelles, Desha, Eppes, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Irving, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lowndes, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roberts, Seybert, Sharp, Skinner, Smith of Pennsylvania, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

The engrossed bill laying an embargo on all ships and vessels in the ports and harbors of the United States, was read the third time; and on the question that the said bill do pass? it passed in the affirmative—yeas 85, nays 57, as follows:

**YEAS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Bard, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Caldwell, Calhoun, Chappell, Clopton, Comstock, Condict, Conard, Crawford, Creighton, Crouch, Dawson, Denoyelles, Desha, Eppes, Farrow, Findley, Fisk of Vermont, Fisk of New York, Forney, Franklin, Gholson, Glasgow, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Ingham, Irving, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lyle, Macon, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Rea of Pennsylvania, Rhea of Tennessee, Rich, Roberts, Robertson, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Strong, Tannehill, Taylor, Troup, Udree, Ward of New Jersey, Whitehill, Wilson of Pennsylvania, Wright, and Yancey.

**NAYS**—Messrs. Baylies of Massachusetts, Bigelow, Boyd, Brigham, Caperton, Champion, Cheves, Cilley, Cooper, Cox, Culpeper, Davenport, Dewey, Duvall, Ely, Gaston, Geddes, Grosvenor, Hanson, Hufty, Hungerford, Jackson of Rhode Island, Kent of New York, King of Massachusetts, Law, Lewis, Lovett, Lowndes, Markell, McKee, Miller, Moffitt, Montgomery, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Ruggles, Schureman, Sheffey, Shipherd, Smith of New York, Stanford, Stockton, Stuart, Sturges, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

*Ordered*, That the title be, "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

Mr. GRUNDY and Mr. LEWIS were appointed a committee to carry the said bill to the Senate, and desire their concurrence therein.

THURSDAY, December 16.

Mr. GRUNDY, from the committee appointed to carry to the Senate the engrossed bill, entitled

"An act laying an embargo on all ships and vessels in the ports and harbors of the United States," reported that the committee did, on Monday last, perform the duty assigned to them.

FRIDAY, December 17.

A message was received from the Senate, by Mr. BIBB, of Georgia, and Mr. BLEDSOE, a committee from that body, as follows:

*Mr. Speaker*: We are directed by the Senate to bring to this House the bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," which bill they have passed with sundry amendments, and in which we are directed to ask the concurrence of this House.

The said amendments were read at the Clerk's table: On which, the first of the said amendments was concurred in by the House.

And a motion was made by Mr. PITKIN to amend the second of the said amendments, by striking out these words: "*and which shall not have nor take on board, for the voyage, any citizen of the United States*, except such as may produce a passport therefor, to be furnished under the authority and direction of the President of the United States."

And the question being taken, it was determined in the negative—yeas 51, nays 89, as follows:

**YEAS**—Messrs. Baylies of Massachusetts, Bayly of Virginia, Bigelow, Bradley, Brigham, Caperton, Cilley, Clark, Cooper, Cox, Culpeper, Davenport, Dewey, Ely, Gaston, Geddes, Grosvenor, Hufty, Jackson of Rhode Island, Kent of Massachusetts, Law, Lewis, Lovett, Markell, Macon, Miller, Moffitt, Moseley, Oakley, Pearson, Pickering, Pitkin, Post, John Reed, Robertson, Ruggles, Sheffey, Shipherd, Smith of New York, Stanford, Stockton, Sturges, Taggart, Tallmadge, Thompson, Vose, Wheaton, White, Wilcox, and Winter.

**NAYS**—Messrs. Alexander, Alston, Anderson, Archer, Avery, Barnett, Beall, Bowen, Bradley, Brown, Burwell, Butler, Calhoun, Chappell, Cheves, Clopton, Comstock, Conard, Crawford, Creighton, Crouch, Davis of Pennsylvania, Dawson, Denoyelles, Desha, Eppes, Findley, Fisk of Vermont, Fisk of New York, Forney, Forsyth, Franklin, Gholson, Goodwyn, Gourdin, Griffin, Grundy, Hall, Harris, Hubbard, Humphreys, Hungerford, Ingersoll, Ingham, Irving, Johnson of Virginia, Kennedy, Kent of Maryland, Kerr, Kershaw, King of North Carolina, Lefferts, Lyle, McCoy, McKim, McLean, Moore, Murfree, Nelson, Newton, Ormsby, Parker, Pickens, Piper, Pleasants, Potter, Rea of Pennsylvania, Rhea of Tennessee, Rich, Ringgold, Roberts, Sage, Sevier, Seybert, Sharp, Skinner, Smith of Pennsylvania, Smith of Virginia, Strong, Tannehill, Taylor, Telfair, Troup, Udree, Ward of New Jersey, Whitehill, Wilson, of Pennsylvania, Wright, Yancey.

Several propositions were submitted to the House by way of amendment to the said amendments of the Senate, all of which were rejected by the House: Whereupon, the said amendments of the Senate were severally concurred in by the House; and Mr. FISK, of New York, and Mr.

COOPER, were appointed a committee to give information thereof to the Senate.

[While the above bill was under discussion, Mr. KING, of Massachusetts, submitted the following observations upon his propositions to amend the bill; which were negatived:]

Mr. KING observed that it was not his intention or wish to consume much of the time of the House; that indeed from the silence of the majority he had a right to conclude that the arguments of his friends in the minority were unanswerable; that the majority were thereby convinced of the inexpediency of the measure, and would abandon it. However, as this silence is equivocal, and as I may have drawn too favorable a conclusion therefrom, I will add a few observations to those already advanced by my friends; but I shall not go over the ground which they have with such ability occupied; vain indeed would be the attempt to add to the general arguments which they have advanced; mine, therefore, shall be of a local nature, as to the probable bearing and effect of this measure upon that part of our country with which I am more particularly acquainted.

Since you have stricken from the bill, as originally reported, the seventh and eleventh sections, which permitted a limited coasting trade, it has become more harsh in its features, and its operation must be infinitely more oppressive. Pass the bill, sir, as it now stands, and it will not be possible for the inhabitants on the seaboard, in the Eastern section of the Union, to subsist for six months. The interior of that country may have, at the last very productive season, raised sufficient for their immediate support, but this is not the case on the seaboard; there they are in want of articles of the first necessity. A part of that country has been recently settled—other parts are not suitable for cultivation. The inhabitants have always been accustomed to draw their principal support from the ocean, from their fisheries, lumber, and coasting trade. It is thus they have been compelled to obtain their weekly and monthly supplies. I fear that gentlemen are not sufficiently acquainted with that part of our country, and do not realize the calamities they will, by this measure, inevitably bring upon it. With our extended seacoast, our rough, and in many parts, sterile country, it will, sir, be impossible by land to carry sufficient supplies into every part of the District of Maine; the state of our roads and the face of our country forbid it. You may with some facility proceed as far as the Kennebec; there, on the seaboard, you meet with a natural barrier to land carriage. Suppose you pass that river, and with difficulty proceed to the Penobscot; you must then transport your wagons thirty miles by water, or drive them for a long distance upon the margin of that river, over a broken and mountainous country; but if, with all this hazard, labor, and trouble, you pass the Penobscot, what will you then encounter? After leaving the vicinity of the river, you meet with few settlements, a thinly inhabited country, extensive wildernesses, with scarcely a

track of the human foot through them. It is impossible, I repeat it, sir, that you should thus supply the wants and exigencies of that part of our country.

But an honorable gentleman from Kentucky (Mr. CLAY) has said, if provisions cannot be transported by land to a people thus situated, they must go to the provisions; they must even quit their country, their farms, and their endeared firesides, and go to a more hospitable, more favorable climate.

[The gentleman from Kentucky here explained his observations, as having been confined to the thinly inhabited country near Mobile; that it was better that the inhabitants there should suffer some deprivations, or even be compelled to leave that part of the country, than that the enemy should receive essential supplies through them, or that the effective operations of an important measure should be prevented.]

Mr. KING continued: As, Mr. Chairman, a part of the District of Maine is, and other parts of our country may be, like Mobile, thinly inhabited and exposed to the same inconveniences in point of situation, the principle of the gentleman was equally applicable to the inhabitants of those parts of our country, and they fell of course under the same condemnation and proscription. At all events, sir, such must be the operation of this measure upon them. Pass this bill into a law, and enforce it in all its rigors and horrors, and they must emigrate or starve. But, indeed, sir, I do not think they will do or suffer either, until they shall have made use of all the means which God and nature have put into their hands for redress.

I know the people of Maine well. I was born among them. I am one of them, and feel a conscious pride in representing their interest, their feelings, and their views. Yes, sir, I well know their hardy sons; rough as their climate, unpolished as their country; treat them as freemen, and they are like their own ocean in a calm; but oppress them, treat them as slaves, and "the tempestuous sea of liberty" is not more violent and unmanageable. What must you expect from such a people when you attempt, with the stroke of a pen, to cut them off from all their accustomed modes of industry and enterprise? I suggest not this as a threat, but as a solemn caution to gentlemen how they raise a storm, which it will not be in their power to calm or direct.

I well remember the slander which has been industriously propagated against this people—of want of attachment to the Union—of a disregard of its Constitution and laws. But believe me, sir, if that Union ever be dissolved, it will not be for want of their attachment to it, but because this Government, the bond of that Union, discards them, and sacrifices their interest and their happiness, and turns protection into oppression. They do not disregard our Constitution or laws, but they do in vain look to them for that protection in the enjoyment of life, liberty, and property, which they have a right to expect and demand. Of most of their external commerce

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they have been for a long time deprived; their vessels, by thousands, are now rotting at their wharves, their sailors abandoned to misery and want; their fisheries, for which they are indebted to God and their own industry only, are ruined; and all by the restrictive and war acts of their rulers; and now the scanty, the miserable remnant of their once extensive and flourishing commerce, even their friendly coasting trade, from port to port and State to State, by which they earn their daily bread, is by this bill to be taken from them. Under your Constitutional right to regulate commerce, you will destroy all commerce, and drive our seamen into foreign service. Instead of free trade and sailors' rights, we have no trade and sailors' wrongs.

Permit me here, sir, as a necessary caution to gentlemen, as a solemn warning to this country, as an impressive lesson to the American people, to read a catalogue of these restrictive, not to say oppressive laws; I could wish deeply to engrave them on the hearts of my fellow-citizens, in perpetual remembrance of the causes of their sufferings.

No. 1. February 28, 1806, Mr. Jefferson.—“An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo,” to wit: those parts “not in possession, and under the acknowledged Government of France.”

No. 2. April 18, 1806, Mr. Jefferson.—“An act to prohibit the importation of certain goods, wares, and merchandise,” from Great Britain and her dependencies, after the 15th of November then next.

No. 3. February 24, 1807, Mr. Jefferson.—“An act to continue in force for a further time an act, entitled ‘An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo,’ extending to Gonaives and Tortuga, and other dependencies of St. Domingo, not in possession and under the acknowledged Government of France.”

No. 4. December 22, 1807, Mr. Jefferson.—“An act laying an embargo on all ships and vessels in the ports and harbors of the United States.”

No. 5. January 9, 1808, Mr. Jefferson.—“An act supplementary to the act, entitled ‘An act laying an embargo on all ships and vessels in the ports and harbors of the United States.’”

No. 6. March 12, 1808, Mr. Jefferson.—“An act in addition to the act, entitled ‘An act supplementary to the act, entitled ‘An act laying an embargo on all ships and vessels in the ports and harbors of the United States.’”

No. 7. April 23, 1808, Mr. Jefferson.—“An act in addition to the act, entitled ‘An act laying an embargo on all ships and vessels in the ports and harbors of the United States,’ and the several acts supplementary thereto, and for other purposes.”

No. 8. January 9, 1809, Mr. Jefferson.—“An act to enforce and make more effectual an act, entitled ‘An act laying an embargo on all ships and vessels in the ports and harbors of the United States,’ and the several acts supplementary thereto.”

No. 9. March 1, 1809, Mr. Jefferson.—“An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes.”

No. 10. June 28, 1809, Mr. Madison.—“An act to amend and continue in force certain parts of the act, entitled ‘An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes.’”

No. 11. May 1, 1810, Mr. Madison.—“An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes.”

No. 12. March 2, 1811, Mr. Madison.—“An act supplementary to the act, entitled ‘An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes.’”

No. 12. June 18, 1812, Mr. Madison.—“An act declaring war between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America, and their Territories.”

No. 14. Mr. Madison.—And now, “A bill laying an embargo on all ships and vessels in the ports and harbors of the United States.”

Here, sir, you have a catalogue of the restrictive acts of an American Congress, enacted ostensibly for the benefit of a free commercial people! If, sir, a parallel can be found in all the annals of ancient or modern despotism, (always excepting that of France,) of equal commercial oppression, let her abettors show it. Would to God I could erase from your statute books this record of oppression, with the same facility as I now cast this schedule of the acts from me, and tread it under foot. Sir, the American people cannot, they will not submit to be thus oppressed. You tempt them too far; you abuse their noble and generous nature; clouds and thick darkness may, for a time, rest upon their spirit and their patriotism, but, like the sun of heaven, they will burst forth with renovated splendor.

As an attempt to gain a partial relief for such of our fellow-citizens as are likely greatly to suffer by the suspension of the coasting trade, Mr. King moved to amend the fourth section of the bill so as to permit coasting vessels to go from one port in any State to another port in the same State.

And in favor of neutrals, who had been, or should be induced to visit our ports, Mr. K. also moved to amend the amendment of the Senate, by striking therefrom the following words, in the first section of the bill:

“Whose officers and crews shall consist wholly of such foreigners as did belong to nations in amity with the United States, at the time of the arrival of said ship or vessel in the United States, and which shall not have, nor take on board for the voyage, any citizen of the United States, except such as may produce a passport therefore, to be furnished under the authority and direction of the President of the United States.”



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DECEMBER 17.—*Four o'clock, P. M.*

Mr. SKINNER, from the Joint Committee for Enrolled Bills, reported that the committee had examined an enrolled bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and had found the same to be truly enrolled: On which, the SPEAKER signed the said bill.

*Ordered,* That the said Committee of Enrolment do take the said bill to the Senate for the signature of their President.

MONDAY, December 20.

Mr. SKINNER, from the Joint Committee for Enrolled Bills, reported that the committee did, on Friday last, present to the President of the

United States, for his approbation, an enrolled bill, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States."

A Message was received from the President, of the United States, by Mr. Coles, his Secretary, notifying that the President did, on Friday last, approve and sign the abovementioned enrolled bill.

On motion of Mr. OAKLEY,

*Ordered,* That the injunction of secrecy imposed upon the Message from the President of the United States, of the 9th instant, as well as upon all the proceedings of this House, growing out of the said Message, be taken off; and that the said Message and proceedings be published.

# APPENDIX.

## TO THE HISTORY OF THE THIRTEENTH CONGRESS.

[FIRST AND SECOND SESSIONS.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

### FRANCE.

#### *To the House of Representatives :*

I transmit to the House of Representatives a report of the Secretary of State, containing the information requested by their resolutions of the 21st of June last.

JAMES MADISON.

JULY 12, 1813.

DEPARTMENT OF STATE,  
July 12, 1813.

The Secretary of State, to whom were referred several resolutions of the House of Representatives of the 21st ultimo, requesting information on certain points relating to the French decree of the 28th of April, 1811, has the honor to make to the President the following report :

In furnishing the information required by the House of Representatives, the Secretary of State presumes that it might be deemed sufficient for him to state what is now demanded, what part thereof has been heretofore communicated, and to supply the deficiency. He considers it, however, more conformable to the views of the House, to meet, at this time, without regarding what has been already communicated, every inquiry, and to give a distinct answer to each, with the proper explanation relating to it.

The House of Representatives has requested information when, by whom, and in what manner, the first intelligence was given to this Government of the decree of the Government of France, bearing date on the 28th of April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan; whether Mr. Russell, late Chargé d'Affaires of the United States to the Government of France, ever admitted or denied to his Government the correctness of the declaration of the Duke of Bassano to Mr. Barlow, as stated in Mr. Barlow's letter of the 12th of May, 1812, to the Secretary of State, that the said decree had been communicated to his (Mr. Barlow's) predecessor there; and to lay before the House any correspondence with Mr. Russell on that subject which it may not be improper to communicate;

and also any correspondence between Mr. Russell, in possession of the Department of State; whether the Minister of France to the United States ever informed this Government of the existence of the said decree, and to lay before the House any correspondence with the said Minister relative thereto, not improper to be communicated, with any other information in possession of the Executive, which he may not deem it injurious to the public interest to disclose, relative to the said decree, tending to show at what time, by whom, and in what manner, it was first made known to this Government, or to any of its representatives or agents; and lastly, to inform the House whether the Government of the United States has ever received from that of France any explanation of the reasons of that decree being concealed from this Government and its Minister, for so long a time after its date; and if such explanation has been asked by this Government, and has been omitted to be given by that of France, whether this Government has made any remonstrance, or expressed any dissatisfaction to the Government of France at such concealment?

These inquiries embrace two distinct objects. The first relates to the conduct of the Government of France, in regard to this decree. The second, to that of the Government of the United States. In satisfying the call of the House on this latter point, it seems to be proper to meet it in a two-fold view: first, as it relates to the conduct of this Government in this transaction; secondly, as it relates to its conduct towards both belligerents, in some important circumstances connected with it. The resolutions do not call specially for a report of such extent; but as the measures of the Executive, and the acts of Congress founded on communications from the Executive, which relate to one of the belligerents, have, by necessary consequence, an immediate relation to the other, such a report seems to be obviously comprised within their scope. On this principle the report is prepared, in the expectation that the more full the information given on every branch of the subject, the more satisfactory will it be to the House.

The Secretary of State has the honor to re-

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port, in reply to these inquiries, that the first intelligence which this Government received of the French decree of the 28th of April, 1811, was communicated by Mr. Barlow, in a letter bearing date on the 12th of May, 1812, which was received by this Department on the 13th of July following; that the first intimation to Mr. Barlow of the existence of that decree, as appears by his communications, was given by the Duke of Bassano in an informal conference on some day between the 1st and 10th day of May, 1812, and that the official communication of it to Mr. Barlow was made on the 10th of that month, at his request; that Mr. Barlow transmitted a copy of that decree, and of the Duke of Bassano's letter announcing it, to Mr. Russell, in a letter of May 11, in which he also informed Mr. Russell that the Duke of Bassano had stated that the decree had been duly communicated to him; that Mr. Russell replied, in a letter to Mr. Barlow of the 29th of May, that his first knowledge of the decree was derived from his letter, and that he has repeatedly stated the same since to this Government. The paper marked A is a copy of an extract of Mr. Barlow's letter to the Department of State of May 12, 1812;\* B, of the Duke of Bassano's letter to Mr. Barlow of the 10th of the same month;\* C, of an extract of Mr. Barlow's letter to Mr. Russell of May 11th; D, of an extract of Mr. Russell's answer of the 29th of May; and E, of Mr. Russell's letter to the Department of State of the 30th.

The Secretary of State reports, also, that no communication of the decree of the 28th of April, 1811, was ever made to this Government by the Minister of France, or other person than as above stated, and that no explanation of the cause of its not having been communicated to this Government, and published, at the time of its date, was ever made to this Government, or, so far as it is informed, to the representatives or agents of the United States in Europe. The Minister of France has been asked to explain the cause of a proceeding apparently so extraordinary and exceptionable; who replied, that his first intelligence of that decree was received by the Wasp, in a letter from the Duke of Bassano of May 10, 1812, in which he expressed his surprise that a prior letter, of May, 1811, in which he had transmitted a copy of the decree, for the information of this Government, had not been received. Further explanations were expected from Mr. Barlow, but none were given. The light in which this transaction was viewed by this Government was noticed by the President in his Message to Congress, and communicated also to Mr. Barlow in the letter of the 14th of July, 1812, with a view to the requisite explanation from the French Government. On the 9th of May, 1812, the Emperor left Paris for the North, and in two days thereafter the Duke of Bassano followed him. A negotiation for the adjustment of injuries and the arrangement of our commerce with the Govern-

ment of France, long depending, and said to have been brought nearly to a conclusion at the time of Mr. Barlow's death, was suspended by that event. His successor, lately appointed, is authorized to resume the negotiation, and to conclude it. He is instructed to demand redress of the French Government for every injury, and an explanation of its motive for withholding from this Government a knowledge of the decree for so long a time after its adoption.

It appears, by the documents referred to, that Mr. Barlow lost no time, after having obtained a knowledge of the existence of the French decree of the 28th of April, 1811, in demanding a copy of it, and transmitting it to Mr. Russell, who immediately laid it before the British Government, urging, on the ground of this new proof of the repeal of the French decrees, that the British Orders in Council should be repealed. Mr. Russell's note to Lord Castlereagh bears date on the 20th of May; Lord Castlereagh's reply on the 23d, in which he promised to submit the decree to the consideration of the Prince Regent. (See papers marked F.) It appears, however, that no encouragement was given at that time to hope that the Orders in Council would be repealed in consequence of that decree; and that, although it was afterwards made the ground of their repeal, the repeal was, nevertheless, to be ascribed to other causes. Their repeal did not take effect until the 23d of June, more than a month after the French decree had been laid before the British Government; a delay indicating in itself, at a period so momentous and critical, not merely neglect, but disregard of the French decree. That the repeal of the British Orders in Council was not produced by the French decree, other proofs might be adduced. I will state one which, in addition to the evidence contained in the letters from Mr. Russell herewith communicated, marked G, is deemed conclusive. In the communication of Mr. Baker to Mr. Graham, on the 9th of August, 1812, marked H, which was founded on instructions from his Government, of as late date as the 17th of June, in which he stated that an official declaration would be sent to this country, proposing a conditional repeal of the Orders in Council, so far as they affected the United States, no notice whatever was taken of the French decree. One of the conditions then contemplated was, that the orders in Council should be revived at the end of eight months, unless the conduct of the French Government, and the result of the communications with the Government of the United States should be such as, in the opinion of the British Government, to render their revival unnecessary; a condition which proves uncontestedly that the French decree was not considered by the British Government a sufficient ground on which to repeal the Orders in Council. It proves, also, that, on that day the British Government had resolved not to repeal the Orders on the basis of that decree; since the proposed repeal was to depend, not on what the French Government had already done, but on what it might do, and on arrangements entered into with the

\* These two letters were transmitted with the President's Message of January 26, 1813.

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United States, unconnected with the French repeal.

The French decree of the 28th of April, 1811, was transmitted to the United States by the *Wasp*, a public vessel, which had been long awaiting, at the ports of Great Britain and France, despatches from our Ministers relating to these very important concerns with both Governments. It was received at the Department of State on the 13th of July, 1812, nearly a month after the declaration of war against Great Britain. Intelligence of the repeal of the Orders in Council was not received until about the middle of the following month. It was impossible, therefore, that either of these acts, in whatever light they might be viewed, should have been taken into consideration, or have had any influence in deciding on that important event.

Had the British Government been disposed to repeal its Orders in Council, in conformity with the principle on which it professed to have issued them, and on the condition which it had itself prescribed, there was no reason to delay the repeal until such a decree as that of the 28th of April, 1811, should be produced. The declaration of the French Government of August 5, 1810, had fully satisfied every claim of the British Government, according to its own principles on that point. By it the decrees of Berlin and Milan were declared to be repealed, the repeal to take effect on the 1st of November following; on which day it did take effect. The only condition attached to it was, either that Great Britain should follow the example, and repeal her Orders in Council, or that the United States should carry into effect against her their non-importation act. This condition was, in its nature, subsequent, not precedent; reserving a right in France to revive her decrees, in case neither alternative was performed. By this declaration it was put completely in the power of Great Britain to terminate this controversy in a manner the most honorable to herself. France had yielded to her the ground on a condition with which she had declared her willingness to comply. Had she complied, the non-importation act would not have been carried into effect, nor could the French decrees have been revived. By refusing to comply, she has made herself responsible for all that has since followed.

By the decree of the 28th of April, 1811, the decrees of Berlin and Milan were said to be definitively repealed, and the execution of the non-importation act against Great Britain was declared to be the ground of that repeal. The repeal, announced by the declaration of the 5th of August, 1810, was absolute and final, except as to the condition subsequently attached to it. This latter decree acknowledges that that condition had been performed, and disclaims the right to revive it in consequence of that performance; and, extending back to the 1st of November, confirms, in every circumstance, the preceding repeal. The latter act, therefore, as to the repeal, is nothing more than a confirmation of the former. It is in this sense that those two acts are to be understood in France. It is in the same sense

that they are to be regarded by other Powers. In repealing the Orders in Council on the pretext of the French decree of the 28th of April, 1811, the British Government has conceded that it ought to have repealed them on the declaration of the 5th of August, 1810. It is impossible to discriminate between the two acts, or to separate them from each other, so as to justify, on sound and consistent principles, the repeal of the Orders in Council on the ground of one act, and the refusal to repeal them on that of the other. The second act makes the repeal definitive; but for what reason? Because the non-importation act had been put in force against Great Britain, in compliance with the condition subsequently attached to the former repeal, and her refusal to repeal her Orders in Council. That act being still in force, and the decree of the 28th of April, 1811, being expressly founded on it, Great Britain repeals her Orders in Council on the basis of this latter decree. The conclusion is therefore irresistible, that by this repeal, under all the circumstances attending it, the British Government has acknowledged the justice of the claim of the United States to a repeal on the former occasion. By accepting the latter repeal, it has sanctioned the preceding one. It has sanctioned also the conduct of this Government in carrying into effect the non-importation act against Great Britain, founded on the preceding repeal.

Other important consequences result from this repeal of the British Government. By fair and obvious construction, the acceptance of the decree of the 28th of April, 1811, as the ground of the repeal of the Orders in Council, ought to be construed to extend back to the 1st of November, 1810, the day on which the preceding repeal took effect. The Secretary of State has full confidence that, if this question could be submitted to the judgment of an impartial judicial tribunal, such would be its decision. He has equal confidence that such will be the judgment pronounced on it by the enlightened and impartial world. If, however, these two acts could be separated from each other, so as that the latter might be made the basis of the repeal of the Orders in Council, distinct from the former, it follows that, bearing date on the 28th of April, 1811, the repeal ought to have relation to that date. In legal construction, between nations as well as individuals, acts are to be respected from the time they begin to operate; and where they impose a moral or political obligation on another party, that obligation commences with the commencement of the act. But it has been urged that the French decree was not promulgated or made known to the British Government until a year after its date. This objection has no force. By accepting an act bearing date a year before it was promulgated, it is admitted that, in the interval, nothing was done repugnant to it. It cannot be presumed that any Government would accept from another, as the basis on which it was to found an important measure, an act of anterior and remote date, pledging itself to a certain course of conduct, which that Government had, in the interval, de-

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parted from and violated. If any Government had violated an act, the injunctions of which it was bound to observe, by an anterior one in relation to a third party, and which it professed to have observed before its acceptance by the other, it could not be presumed that it would cease to violate it after the acceptance. The conclusion is irresistible, that, if the other Government did accept such act, with a knowledge of its antecedent violation, as the foundation of any measure on its own part, such act must have been the ostensible only, and not the real, motive to such measure.

The declaration of the Prince Regent of the 21st of April, 1812, is in full confirmation of these remarks. By this act of the British Government, it is formally announced, on the authority of a report of the Secretary of Foreign Affairs to the Conservative Senate of France, that the French decrees were still in force and that the Orders in Council should not be repealed. It cannot fail to excite considerable surprise that the British Government should immediately afterwards, that is, on the 23d of June, repeal its Orders in Council, on the ground of the French decree of the 28th of April, 1811. By this proceeding the British Government has involved itself in a manifest inconsistency. It has maintained by one act that the French decrees were in full force, and by another that they were repealed during the same space of time. It admits, also, that by no act of the French Government, or of its cruisers, had any violation of the repeal, announced by the declaration of the French Government of the 5th of August, 1810, been committed, or, at least, that such violation had not had sufficient weight to prevent the repeal of the Orders in Council.

It was objected that the declaration of the French Government of the 5th August, 1810, was not such an act as the British Government ought to have regarded. The Secretary of State is thoroughly satisfied that this objection is altogether unfounded. It was communicated by the Emperor through his highest official organ, the Secretary of Foreign Affairs, to the Minister Plenipotentiary of the United States at Paris. It is impossible to conceive an act more formal, authentic, or obligatory on the French Government than that alluded to. Does one Government ever ask or expect from another to secure the performance of any duty, however important, more than its official pledge, fairly and fully expressed? Can better security be given for its performance? Had there been any doubt on this subject, the conduct of Great Britain herself, in similar cases, would have completely removed it. The whole history of her diplomatic intercourse with other Powers, on the subject of blockade, is in accord with this proceeding of the French Government. We know that when her Government institutes a blockade, the Secretary of Foreign Affairs announces it to the Ministers of other Powers at London, and that the same form is observed when they are revoked. Nor was the authenticity of either act, thus announced, ever questioned.

Had a similar declaration been made by the Minister of France in the United States to this Government, by the order of his own, would it not have been entitled to respect, and been respected? By the usage of nations such respect could not have been withheld. The arrangement made with Mr. Erskine is a full proof of the good faith of this Government, and of its impartiality in its transactions with both the belligerents. It was made with that Minister on the ground of his public character, and the confidence due to it; on which basis the non-intercourse was removed as to England, and left in full force against France. The failure of that arrangement was imputable to the British Government alone, who, in rejecting it, took on itself a high responsibility, not simply in regard to the consequences attending it, but in disavowing and annulling the act of its Minister, without showing that he had exceeded his authority. In accepting the declaration of the French Minister of Foreign Affairs, in proof of the French repeal, the United States gave no proof of improper credence to the Government of France. On a comparison of both transactions it will appear, that if a marked confidence and respect was shown to either Government, it was to that of Great Britain. In accepting the declaration of the Government of France, in the presence of the Emperor, the United States stood on more secure ground than in accepting that of a British Minister in this country.

To the demand made by the United States of the repeal of the British Orders in Council, founded on the basis of the French repeal of August 5, 1810, the British Government replied, by demanding a copy of the orders issued by the French Government for carrying into effect that repeal; a demand without example in the intercourse between nations. By this demand it ceased to be a question whether the French repeal was of sufficient extent, or was founded on justifiable conditions. The pledge of the French Government was doubted; a scrutiny was to be instituted as to the manner in which it was to be discharged, and its faith preserved, not by the subsequent conduct of its cruisers towards the vessels of the United States, but by a copy of the orders given to its cruisers. Where would this end? If the French Government intended a fraud by its declaration of repeal, announced to the Minister of the United States, and afterwards to this Government, might it not likewise commit a fraud in any other communication which it might make? If credit was refused by the British Government to the act of the French Government, thus formally announced, is it probable that it would have been given by it to any document of inferior character, directed to its own people? Although it was the policy, and might be the interest of the British Government to engage the United States in such a controversy with the French Government, it was far from comporting with their interests to do it. They considered it their duty to accept the repeal already made by the French Government of its decrees, and to look to its conduct, and to that of

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its cruisers, sanctioned by the Government, for the faithful performance or violation of it. The United States having been injured by both Powers, were unwilling, in their exertions to obtain justice of either, to become the instrument of the other. They were the less inclined to it in the present instance, from the consideration that the party making the pressure on them maintained in full force its unlawful edicts against the American commerce, while it could not deny that a considerable advance at least had been made by the other towards a complete accommodation; it being manifest to the world, not only that the faith of the French Government stood pledged for the repeal of its decrees, but that the repeal did take effect on the 1st of November, 1810, in regard to the United States; that several American vessels taken under them had been delivered up; and judicial decisions suspended on all, by its order; and that it also continued to give the most positive assurances that the repeal should be faithfully observed.

It has also been urged that the French repeal was conditional, and for that reason could not be accepted. This objection has already been fully answered. It merits attention, however, that the acts of the British Government relating to this subject, particularly the declaration of the 21st April, 1812, and the repeal of that of the 23d June of the same year, are equally and in like manner conditional. It is not a little surprising that the British Government should have objected to a measure in another Government to which it has itself given a sanction by its own acts. It is proper, however, to remark, that this objection has been completely waived and given up by the acceptance of the decree of the 28th of April, 1811.

The British Government has urged, also, that it could not confide in the faithful performance by the French Government of any engagement it might enter into relative to the repeal of its decrees. This objection would be equally applicable to any other compact to be entered into with France. While maintained, it would be a bar to any treaty, even to a treaty of peace, between them. But it also has been admitted to be unfounded by the acceptance of the decree of the 28th April, 1811.

The Secretary of State presumes that these facts and explanations, supported as they are by authentic documents, prove: First, that the repeal of the British Orders in Council was not to be ascribed to the French decree bearing date on the 28th April, 1811; and, secondly, that in making that decree the basis of their repeal, the British Government has conceded that it ought to have repealed them on the ground of the declaration of the French Government of the 5th August, 1810, so as to take effect on the 1st November following. To what cause the repeal of the British Orders in Council was justly attributable cannot now remain a doubt with any who have marked, with a just discernment, the course of events. It must afford great consolation to the good people of these States to know that

they have not submitted to privations in vain. The discussion of other wrongs, particularly that relating to impressment, had been closed some time before the period alluded to. It was unworthy the character of the United States to pursue the discussion on that difference, when it was evident that no advantage could be derived from it. The right was reserved to be brought forward and urged again when it might be done with effect. In the meantime, the practice of impressment was persevered in with rigor.

At the time when war was declared against Great Britain; no satisfactory arrangement was offered, or likely to be obtained, respecting impressment; and nothing was more remote from the expectation of this Government than the repeal of the Orders in Council. Every circumstance which had occurred tending to illustrate the policy and views of the British Government rendered such an event altogether improbable. From the commencement of that system of hostility which Great Britain had adopted against the United States, her pretensions had gradually increased, or at least become more fully unfolded, according to circumstances, until, at the moment when war was declared, they had assumed a character which dispelled all prospect of accommodation. The Orders in Council were said to have been adopted on a principle of retaliation on France, although at the time when the order of May, 1806, was issued, no measure of France had occurred on which it could be retaliatory; and at the date of the next order, (January, 1807,) it was hardly possible that this Government should have even heard of the decree of Berlin to which it related. It was stated at the time of their adoption, and for some time afterwards, that they should be revoked as soon as France revoked her decrees, and that the British Government would proceed with the Government of France *pari passu* in the revocation. After the declaration, however, of the French Government of the 5th August, 1810, by which the Berlin and Milan decrees were declared to be repealed, the British Government changed its tone, and continued to rise in its demands to the moment that war was declared. It objected, first, that the French repeal was conditional and not absolute; although the only condition attached to it was, that Great Britain should follow the example, or the United States fulfil their pledge, by executing the non-importation act against her. It was then demanded that France should repeal her internal regulations, as a condition of the repeal of the British Orders in Council; next, that the French repeal should be extended to all neutral nations as well as to the United States; and, lastly, that the ports of her enemies, and all ports from which the British flag was excluded, should be opened to British manufactures in American vessels; conditions so extravagant as to satisfy all dispassionate minds that they were demanded, not in the expectation that they would or could be complied with, but to terminate the discussion.

On full consideration of all circumstances, it appeared that the period had arrived when it



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became the duty of the United States to take that attitude with Great Britain which was due to their violated rights, to the security of their most important interests, and to their character as an independent nation. To have shrunk from the crisis would have been to abandon everything valuable to a free people. The surrender of our seamen to British impressment, with the destruction of our navigation and commerce, would not have been its only evils. The desolation of property, however great and widely spread, affects an interest which admits of repair. The wound is incurable only which fixes a stigma on the national honor. While the spirit of the people is unsubdued, there will always be found in their virtue a resource equal to the greatest dangers and most trying emergencies. It is in the nature of free Government to inspire in the body of the people generous and noble sentiments; and it is the duty of the constituted authorities to cherish and to appeal to those sentiments and to rely on the patriotic support of their constituents. Had they proved themselves unequal to the crisis, the most fatal consequences would have resulted from it. The proof of their weakness would have been recorded; but not on them alone would its baneful effect have been visited. It would have shaken the foundation of the Government itself, and even of the sacred principles of the Revolution, on which all our political institutions depend. Yielding to the pretensions of a foreign Power, without making a manly effort in defence of our rights; without appealing to the virtue of the people or to the strength of our Union, it would have been charged, and believed, that in these sources lay the hidden defects. Where would the good people of these States have been able to make another stand? Where would have been their rallying point? The Government of their choice having been dishonored; its weakness, and that of their institutions demonstrated, the triumph of the enemy would have been complete. It would also have been durable.

The constituted authorities of the United States neither dreaded nor anticipated these evils. They had full confidence in the strength of the Union, in the firmness and virtue of the people, and were satisfied, when the appeal should be made, that ample proof would be afforded that their confidence had not been misplaced. Foreign pressure, it was not doubted, would soon dissipate foreign partialities and prejudices, if such existed, and unite us more closely together as one people.

In declaring war against Great Britain, the United States have placed themselves in a situation to retort the hostility which they had so long suffered from the British Government. The maintenance of their rights was the object of the war. Of the desire of this Government to terminate the war on honorable conditions, ample proof has been afforded by the proposition made to the British Government, immediately after the declaration of war, through the *Chargé d'Affaires* of the United States at London, and by the promptitude and manner of the accept-

ance of the mediation of the Emperor of Russia. It was anticipated by some that a declaration of war against Great Britain would force the United States into a close connexion with her adversary, much to their disadvantage. The Secretary of State thinks it proper to remark, that nothing is more remote from the fact. The discrimination in favor of France, according to law, in consequence of her acceptance of the proposition made equally to both Powers, produced a difference between them in that special case, but in that only. The war with England was declared without any concert or communication with the French Government; it has produced no connexion between the United States and France, or any understanding as to its prosecution, continuance, or termination. The ostensible relation between the two countries is the true and only one. The United States have just claims on France for spoiliations on their commerce on the high seas, and in the ports of France; and their late Minister was, and their present Minister is, instructed to demand reparation for these injuries, and to press it with the energy due to the justice of their claims, and to the character of the United States. The result of the negotiation will be communicated to Congress in due time. The papers marked I contain copies of two letters, addressed from this Department to Mr. Barlow; one of the 16th June, 1812, just before the declaration of war; the other, of the 14th July following, which show distinctly the relation existing between the United States and France at that interesting period. No change has since occurred in it.

All which is respectfully submitted.

JAMES MONROE.

The PRESIDENT OF THE UNITED STATES.

Copy of a letter from the Minister of Finance to the Count of Sussy, Counsellor of State, Director General of the Customs.

DECEMBER 15, 1810.

On the 5th of last August the Minister of Foreign Relations wrote to Mr. Armstrong, Minister Plenipotentiary of the United States of America, that the Berlin and Milan decrees were revoked, and that, after the 1st of November, they would cease to have effect; it being well understood that, in consequence of this declaration, the English would revoke their Orders in Council, and renounce the new principles of blockade which they wished to establish, or that the United States, in conformity to the act communicated, should cause their rights to be respected by the English.

On the communication of this note, the President of the United States issued, on the 2d of November, a proclamation, which announces the revocation of the Berlin and Milan decrees after the 1st of November; and which declares that, in consequence thereof, all the restrictions imposed by the act of the 1st of May, 1809, should cease with respect to France and her dependencies.

The same day the Treasury Department addressed to the collector of the customs a circular,

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which directs them to admit into the ports and waters of the United States armed French vessels, and enjoins it on them to apply, after the 2d of February next, the law of the 1st of May, 1809, prohibiting all commercial relation to English vessels, of every description, as well as to productions of the soil, industry, or commerce of England and her dependencies.

His Majesty having seen in these two pieces the enunciation of the measures which the Americans propose taking on the 2d of February next, to cause their rights to be respected, has ordered me to inform you that the Berlin and Milan decrees must not be applied to any American vessels that have entered our ports since the 1st of November, or may enter in future; and that those which have been sequestered, as being in contravention of these decrees, must be the object of a special report.

On the 2d of February I shall acquaint you with the intention of the Emperor with regard to the definitive measures to be taken for distinguishing and favoring the American navigation.

I have the honor to salute you.

The Minister of Finance,

**THE DUKE OF GAETE.**

Copy of a letter from his Excellency the Grand Judge, Minister of Justice, to the Counsellor of State, President of the Council of Prizes.

*French Empire.*

PARIS, Dec. 26, 1810.

Mr. President: The Minister of Foreign Relations, by order of His Majesty the Emperor and King, addressed on the 5th of August last to the Plenipotentiary of the United States of America, a note containing the following words:

"I am authorized to declare to you that the decrees of Berlin and Milan are revoked, and that after the 1st of November they will cease to have effect; it being well understood, that in consequence of this declaration the English will revoke their Orders in Council, and renounce the new principles of blockade which they wished to establish; or that the United States, in conformity to the act you have just communicated, will cause their rights to be respected by the English."

In consequence of the communication of this note, the President of the United States issued, on the 2d of November, a proclamation, to announce the revocation of the decrees of Berlin and Milan, and declared that, in consequence thereof, all the restrictions imposed by the act of the 1st May must cease with respect to France and her dependencies. On the same day the Treasury Department addressed a circular to all the collectors of the customs of the United States, which enjoins them to admit into the ports and waters of the United States, armed French vessels; prescribes to them to apply, after the 2d of February next, to English vessels of every description, and to the productions arising from the soil and industry or the commerce of England and her dependencies, the law which prohibits all commercial relations, if at that period the rev-

ocation of the English Orders in Council, and of all the acts violating the neutrality of the United States, should not be announced by the Treasury Department.

In consequence of this engagement, entered into by the Government of the United States to cause their rights to be respected, His Majesty orders that all the causes that may be pending in the Council of Prizes of captures of American vessels made after the 1st of November, and those that may in future be brought before it, shall not be judged according to the principles of the decrees of Berlin and Milan, but that they shall remain suspended; the vessels captured or seized to remain only in a state of sequestration, and the rights of the proprietors being reserved for them until the 2d of February next, the period at which the United States having fulfilled the engagements to cause their rights to be respected, the said captures shall be declared null by the council, and the American vessels restored, together with their cargoes, to their proprietors.

Receive, Mr. President, the new assurances of my most distinguished consideration,

**THE DUKE OF MASSA.**

C.

Extract of a letter from Mr. Barlow to Mr. Russell.

PARIS, May 11, 1812.

I have concluded to despatch the *Wasp* to England, expressly to carry to you the documents herewith enclosed.

I was not a little surprised to learn by the declaration of the Prince Regent in Council, of the 21st of April, that it was still believed by the British Government that the French decrees of Berlin and Milan yet remained in force, as applicable to the United States. On reading that declaration, I therefore addressed to the Duke of Bassano a note bearing date the 1st of May, of which I enclose you a copy.

This drew from him the answer of which I likewise hand you a copy, with the three documents that accompanied it. The most remarkable of these is the decree of the 28th April, 1811. This piece I had never before seen; it appears that it had not been published at the time of its date, and, not finding it among the archives of this Legation, I suspect that, by some omission or neglect, it was not communicated to you as it ought to have been. The Duke, however, assures me that it was so communicated. Be this as it may, I am convinced it has not been made known to the British Government.

D.

Extract of a letter from Mr. Russell to Mr. Barlow.

LONDON, May 29, 1812.

Your letter of the 11th of this month, with its enclosures, was handed me on the 20th, and I immediately communicated copies of the letters from the French Minister of the 21st of December, 1810, and also of the decree of the 28th of April, 1811, to this Government. The letters were already known; but the decree, from th

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cause undoubtedly which you so justly assign, namely "an omission or neglect in not having communicated it to me," was entirely new.

The Duke of Bassano has unquestionably full faith in what he assures you, but the date of the decree is so very remote, that it is not surprising that our memories should not accord on the subject.

E.

Extract of a letter from Mr. Russell to Mr. Monroe.

LONDON, *May 30, 1812.*

With regard to the French decree of the 28th of April, 1811, Mr. Barlow, in a letter to me, makes the following remarks: "This piece I had never before seen; it seems that it had not been published at the time of its date; and not finding it among the archives of this Legation, I suspect that, by some omission or neglect, it was not communicated to you, as it ought to have been. The Duke assures me, however, that it was so communicated. Be this as it may, I am convinced it has not been made known to the British Government." I content myself with saying, that, until communicated to me by Mr. Barlow, I had never heard of such a thing. I persuade myself that there is no necessity of my adding any further explanation or comment on this strange business.

With great respect, I am, sir, &c.

JONATHAN RUSSELL.

F.

Mr. Russell to Mr. Monroe.

LONDON, *May 25, 1812.*

SIR: I have the honor to hand you herein a copy of my note of the 20th of this month, communicating to Lord Castlereagh a decree of the French Government, dated the 28th of April, 1811, and two letters of the French Minister, of the 25th of December, 1810. I also send you copies of that decree and of a note from his Lordship, acknowledging the receipt of my communication, and engaging to submit the documents above mentioned to His Royal Highness the Prince Regent.

I have the honor to be, with profound respect, sir, your faithful servant.

JONATHAN RUSSELL.

The Hon JAMES MONROE, &c.

Mr. Russell to Lord Castlereagh.

18, BENTINCK STREET, *May 20, 1812.*

The undersigned, Chargé des Affaires of the United States of America, has the honor to transmit to Lord Castlereagh authentic copies of a decree purporting to be passed by the Emperor of the French on the 28th day of April, 1811; of a letter addressed by the French Minister of Finances to the Director General of the Customs, on the 25th day of December, 1810; and of another letter of the same date from the French Minister of Justice to the President of the Council of Prizes.

As these acts explicitly recognise the revocation of the Berlin and Milan decrees in relation

to the United States, and distinctly make this revocation to take effect from the 1st day of November, 1810, the undersigned cannot but persuade himself that they will, in the official and authentic form in which they are now presented to His Britannic Majesty's Government, remove all doubt with respect to the revocation in question, and, joined with all the powerful considerations of justice and expediency so often suggested, lead to a like repeal of the British Orders in Council, and thereby to a renewal of that perfect amity and unrestricted intercourse between this country and the United States which the obvious interests of both nations require.

The undersigned avails himself of this occasion to assure his Lordship of his highest consideration.

JONATHAN RUSSELL.

LORD VISCOUNT CASTLEREAGH, &c.

NOTE.—For the enclosures, see correspondence between Mr. Barlow and the Duke of Bassano, communicated herewith.

Lord Castlereagh to Mr. Russell.

FOREIGN OFFICE, *May 23, 1812.*

Lord Castlereagh presents his compliments to Mr. Russell, and has the honor to acknowledge the receipt of his official note of the 21st instant, transmitting copies of two official letters of the French Minister, dated December 25, 1810, and of a decree of the French Government, bearing date the 28th of April, 1811.

Lord Castlereagh will immediately lay these documents before His Royal Highness the Prince Regent, and avails himself of this opportunity to renew to Mr. Russell the assurances of his high consideration.

JONATHAN RUSSELL, Esq., &c.

G.

Mr. Russell to Mr. Monroe.

LONDON, *May 25, 1812.*

SIR: The assassination of Mr. Perceval has led to a dissolution of his Ministry, and I hope may lead to an abandonment of his system, as far as we are concerned.

The vote on the motion of Mr. Stuart Wortley on the 21st, for an address to the Prince Regent to form a more efficient Administration, has driven the old Ministers to offer their resignation. The new arrangements are intrusted to Lord Wellesley, but nothing is yet effected.

Mr. Canning appears to be associated with his Lordship in this business, which I cannot consider as a circumstance very auspicious to us.

There will, undoubtedly, be much difficulty in forming the new Cabinet. None of the old Ministers will act under Lord Wellesley, he having so recently refused to act under them. Besides, there is considerable difference on essential points of policy. The members of Opposition have a repugnance to act under any leader not taken from their own ranks, and they certainly will not constitute a part of any Administration that does not adopt their system.

The probability therefore is, that either Lord

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Wellesley and Mr. Canning will not succeed in performing the task imposed upon them, or that they will perform it so imperfectly as to expose their work to early destruction.

Whatever may be the ingredients of which the new Cabinet may be composed, I am not altogether without hope that the Orders in Council will be modified, if not removed. The effects of our embargo, the evidence before Parliament of the distresses occasioned by those orders, and the change of Ministers itself, afford both cause and color for this proceeding.

I say nothing of the French decree, of which I this day send you a copy, as, without the circumstances just mentioned, it would, I am persuaded, have been disregarded.

I shall dismiss the Wasp as soon as the new Ministry is formed, or before, unless that event happens in a few days. She will return to Cherbourg. With great respect, I am, &c.

JONATHAN RUSSELL.

Extract of a letter from Mr. Russell to Mr. Monroe.

LONDON, June 13, 1812.

The difficulty which has been encountered in forming a new Cabinet has appeared to render it necessary to support the old one; and upon this ground the House of Commons appear to have acted last evening, in giving to Ministers, on the second motion of Mr. Wortley, a majority of one hundred and twenty-five.

Notwithstanding these inauspicious circumstances, and all the prejudice of the men now in place respecting the United States, yet I know not how the Orders in Council can be maintained without the most serious consequences both to this Government and country. It is impossible, in the face of the evidence now before Parliament, to deny the vital importance of our intercourse to this nation; and, obstinate as the Ministry is, I do not entirely despair that it will be forced from its system, or from power. I have some slender hope that this evidence may, even on the motion of Mr. Brougham on Tuesday next, produce some change, although it hardly seems probable that the Ministers will allow the question to come on without the certainty of a triumph.

Mr. Russell to Mr. Monroe.

LONDON, June 18, 1812.

SIR: I hand you herein the *Times* of yesterday, containing the debate in the House of Commons on the preceding evening relative to the Orders in Council. From this debate, it appears that these measures are to be abandoned, but as yet no official extinction of them has been announced. The time already elapsed since the declaration of Lord Castlereagh, excites a suspicion that either the promised revocation will not take place, or, what is more probable, some other measure equally unjust is now under consideration to replace those which are to be revoked.

I hope, until the doings here are ascertained

with certainty and precision, there will be no relaxation on our part.

With great respect, your obedient servant,  
JONATHAN RUSSELL.

Extracts of a letter from Mr. Russell to Mr. Monroe.

LONDON, June 30, 1812.

I have at length had the satisfaction to announce to you, in my letters of the 26th instant, the revocation of the Orders in Council.

You will, without doubt, be somewhat surprised that this revocation is founded on the French decree of the 28th of April, 1811.

The real cause of the revocation is the measures of our Government. These measures have produced a degree of distress among the manufacturers of this country that was becoming intolerable; and an apprehension of still greater misery, from the calamities of war, drove them to speak a language which could not be misunderstood or disregarded.

Many members of the House of Commons, who had been the advocates of the Orders in Council, particularly Mr. Wilberforce, and others from the northern counties, were forced now to make a stand against them, or to meet the indignation of their constituents at the approaching election. It is, therefore, the country, and not the Opposition, which has driven the Ministers to yield on this occasion; and the eloquence of Mr. Brougham would have been in vain, had it been destitute of this support.

What has now been done, has been most reluctantly done, and yielded to coercion instead of being dictated by a spirit of justice and conciliation. The Ministers were resolved to concede nothing until the last extremity. Lord Castlereagh undoubtedly went down to the House of Commons, on the 16th instant, determined to preserve the Orders in Council in their full force; and, when he perceived that he should be in the minority, he endeavored to compromise, by giving up as little as possible.

It was decided by the Cabinet, in consequence of the vague declarations of his Lordship on that night, to suspend the Orders in Council, and to make this suspension to depend upon conditions to be previously proposed to the United States. Driven from this ground by the motion of Mr. Brougham for the call of the House for Thursday, the 25th of this month, the Ministers at length issued the order of the 23d; and even this order was carried in the Cabinet by a small majority, only five members voting against it. With these facts before me, I feel myself constrained to chasten my exultation on what has taken place, with some fear of a return of the old injustice in a new form.

H.

Mr. Graham to Mr. Russell.

DEPARTMENT OF STATE, Aug. 9, 1812.

SIR: The Secretary left this city about ten days ago on a short visit to Virginia. Since that period, Mr. Baker has, in consequence of some de-

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spatches from his Government, addressed to Mr. Foster, made to me a communication respecting the intentions of his Government in regard to the Orders in Council. It was of a character, however, so entirely informal and confidential, that Mr. Baker did not feel himself at liberty to make it in the form of a note, verbal, or *pro memoria*, or even permit me to take a memorandum of it at the time he made it. As it authorizes an expectation that something more precise and definite, in an official form, may soon be received by this Government, it is the less necessary that I should go into an explanation of the views of the President in relation to it, more particularly as the Secretary of State is daily expected, and will be able to do it in a more satisfactory manner.

I refer you to the enclosed papers for information as to the maritime and military movements incident to the war, and will add, that the President is anxious to know, as soon as possible, the result of the proposals you were authorized to make to the British Government respecting an armistice. He considers them so fair and reasonable, that he cannot but hope that they will be acceded to, and thus be the means of hastening an honorable and permanent peace.

I have the honor, &c.

JOHN GRAHAM.

JONATHAN RUSSELL, Esq., &c.

Mr. Graham to Mr. Russell.

DEPARTMENT OF STATE, Aug. 10, 1812.

SIR: Thinking that it may possibly be useful to you, I do myself the honor to enclose a memorandum of the conversation between Mr. Baker and myself, alluded to in my letter of this date. From a conversation with Mr. Baker, since this memorandum was made, I find that I was correct in representing to the President that the intimation from Mr. Foster and the British authorities at Halifax was to be understood as connected with a suspension of hostilities on the frontiers of Canada. I have the honor, &c.

JOHN GRAHAM.

JONATHAN RUSSELL, Esq., &c.

[Memorandum referred to in the above letter.]

Mr. Baker verbally communicated to me, for the information of the President, that he had received despatches from his Government, addressed to Mr. Foster, (dated, I believe, about the 17th June,) from which he was authorized to say, that an official declaration would be sent to this country; that the Orders in Council, so far as they affected the United States, would be repealed on the 1st of August, to be revived on the 1st May, 1813, unless the conduct of the French Government, and the result of the communications with the American Government, should be such as, in the opinion of His Majesty, to render their revival unnecessary. Mr. Baker moreover stated, that the orders would be revived, provided the American Government did not, within fourteen days after they received the official declaration of their repeal, admit British armed vessels into

their ports, and put an end to the restrictive measures which had grown out of the Orders in Council.

The despatches authorizing the communication to the American Government, expressly directed that it should be made verbally; and Mr. Baker did not consider himself at liberty to reduce it to writing, even in the form of a note, verbal or *pro memoria*, or to suffer me to take a memorandum of his communication at the time he made it. I understood from him that, the despatches had been opened by Mr. Foster at Halifax, who, in consequence of a conversation he had had with Vice Admiral Sawyer and Sir John Sherbrooke, had authorized Mr. Baker to say that these gentlemen would agree, as a measure leading to a suspension of hostilities, that all captures made after a day to be fixed should not be proceeded against immediately, but be detained to await the future decision of the two Governments. Mr. Foster had not seen Sir George Prevost, but had written to him by express, and did not doubt but that he would agree to an arrangement for the temporary suspension of hostilities. Mr. Baker also stated, that he had received an authority from Mr. Foster to act as *Chargé d'Affaires*, provided the American Government would receive him in that character, for the purpose of enabling him officially to communicate the declaration which was to be expected from the British Government; his functions to be understood, of course, as ceasing on the renewal of hostilities. I replied that, although to so general and informal a communication no answer might be necessary, and certainly no particular answer expected, yet I was authorized to say, that the communication is received with sincere satisfaction, as it is hoped that the spirit in which it was authorized by his Government may lead to such further communications as will open the way, not only for an early and satisfactory termination of existing hostilities, but to that entire adjustment of all the differences which produced them, and to that permanent peace and solid friendship which ought to be mutually desired by both countries, and which is sincerely desired by this.

With this desire, an authority was given to Mr. Russell on the subject of an armistice, as introductory to a final pacification, as has been made known to Mr. Foster; and the same desire will be felt on the receipt of the further and more particular communications which are shortly to be expected.

With respect to the joint intimation from Mr. Foster and the British authorities at Halifax, on the subject of suspending judicial proceedings in the case of maritime captures, to be accompanied by a suspension of military operations, the authority given to Mr. Russell, just alluded to, and of which Mr. Foster was the bearer, is full proof of the solicitude of the Government of the United States to bring about a general suspension of hostilities on admissible terms, with as little delay as possible. It was not to be doubted, therefore, that any other practicable expedient for attaining a similar result would readily be concurred in.

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Upon the most favorable consideration, however, which could be given to the expedient suggested through him, it did not appear to be reducible to any practical shape to which the Executive would be authorized to give it the necessary sanction. Nor, indeed, is it probable, if it was less liable to insuperable difficulties, that it could have any material effect previous to the result of the pacific advance made by this Government, and which must, if favorably received, become operative as soon as any other arrangement that could now be made. It was stated to Mr. Baker, that the President did not, under existing circumstances, consider Mr. Foster as vested with the power of appointing a *Chargé d'Affaires*; but that no difficulty, in point of form, would be made, as any authentic communication through him, or any other channel, would be received with attention and respect.

Mr. Monroe to Mr. Barlow.

DEPARTMENT OF STATE, *June 18, 1812.*

SIR: An act declaring war against Great Britain will probably pass both Houses on this day or to-morrow. It has already passed the House of Representatives, and, from what is known of the disposition of the Senate, its assent is expected without delay.

This result has grown out of the continued aggressions of that Power on our commerce. Propositions were made in both Houses of Congress to comprise France in the same declaration; and in the Senate the vote was fifteen for, to seventeen against it. In the other House the majority against it was proportionably greater. Its defeat in both Houses has been, doubtless, in a great measure, owing to a passage in your last letter, which intimated the intention of the French Government to make some proposition in favor of indemnities, to be comprised in the treaty you were negotiating, whereby an expectation was excited that that interest would be provided for, and satisfaction given on the other grounds of complaint against France. The sentiment in both Houses, as it is with the nation generally, produced by so many acts of injustice, for which reparation has not been made, is strong against France. The arrival of the *Wasp*, which you promised to despatch in two or three weeks from the date of your last letter, with the result of your labors, and which may be now daily expected, was another motive for delaying ulterior measures with respect to her. In advising the war against England, as was distinctly implied by the late Message which brought that subject under consideration, the President stated to Congress his strong dissatisfaction with the conduct of the French Government on every former ground of complaint, and to which others of a more recent date have been added, with the single exception of the repeal of the decrees. He promised also to bring our affairs with that Power fully before Congress as soon as he should receive the communications which you had promised to forward by the *Wasp*. I communicate these facts, which are of a char-

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acter too marked to require any comment, that you may be enabled to turn them to the best account in promoting an amicable accommodation with the French Government of every wrong received from it, which is sincerely desired.

You were informed, by my letter of the 6th of May, of such outrages committed by a squadron which was reported to have sailed from Nantes in January last, as were, at that time, known here. It appears that several vessels sailing from American ports to Lisbon and Cadiz, laden with the productions of the United States, were seized and burnt at sea. The crews of these vessels were taken on board one of the French vessels, and afterwards transferred to another of our vessels engaged in the same trade, which was also seized, in which they made their way home. These men forwarded here the evidence of these acts, copies of which have already been transmitted to you. I forward to you, by this conveyance, the evidence of other aggressions, which will claim, in like manner, your particular attention. Most of these documents have been laid before Congress, and referred by it to this Department.

You will analyze all these cases of recent spoliations, and place them in the class of aggressions to which they severally belong on principle. In demanding of Great Britain the repeal of her Orders in Council, on the ground of the repeal of the French decrees, this Government has, from a regard to justice, given to France all the credit to which she had any claim, believing that the notification alone of the French Minister of Foreign Affairs to the Minister Plenipotentiary of the United States at Paris of their repeal, was sufficient to justify the demand of the repeal of the Orders in Council of Great Britain, on her own principles. But it was never the intention of this Government to concede to France anything on that subject, to which she was not fairly entitled. On the contrary, it has been its intention, as is sufficiently evident by your first instructions, to exact from her a most strict and rigorous compliance with her pledge in regard to the repeal. If any act in violation of that pledge has been committed, you will not fail to point it out in the most distinct manner to the French Government, and to communicate to this Department, without delay, any answer which you may receive from it. I have to add, admitting that the repeal of the decrees is observed with perfect good faith, that if the French Government has given other orders, or permits acts of another character, which violate our rights, the wrong will not be less sensibly felt or less resented by this Government.

Your despatches by the *Hornet* were received on the 22d May. They are the last which have come to hand. I have, &c., J. MONROE.  
JOEL BARLOW, Esq., &c.

Mr. Monroe to Mr. Barlow.

DEPARTMENT OF STATE, *July 14, 1812.*

SIR: Your letters by the *Wasp* were received on the 13th instant. I make this acknowledg-



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ment, in the hope that it may reach Mr. Morton at Baltimore, and be conveyed with the letters and documents with which he is already charged for you.

The President has seen, with great surprise and concern, that the Government of France had made no accommodation to the United States on any of the important and just grounds of complaint to which you had called its attention, according to your instructions, given at the time of your departure, and repeated in several communications since. It appears that the same oppressive restraints on our commerce were still in force; that the system of license was persevered in; that indemnity had not been made for spoliations, nor any pledge given to inspire confidence that any would be made. More recent wrongs, on the contrary, and of a very outrageous character, have been added to those with which you were acquainted when you left the United States. By documents forwarded to you in my letter of 21st March, you were informed of the waste of our commerce, made by a squadron from Nantes in January last, which burnt many of our vessels trading to the Peninsula. For these you were also instructed to demand redress.

It is hoped that the Government of France, regarding with a prudent foresight the probable course of events, will have some sensibility to its interest, if it has none to the claims of justice, on the part of this country.

On the French decree of the 28th of April, 1811, I shall forbear to make many observations which have already occurred, until all the circumstances connected with it are better understood. The President approves your effort to obtain a copy of that decree, as he does the communication of it afterwards to Mr. Russell.

I have the honor, &c.,

JAMES MONROE.

JOEL BARLOW, Esq., &c.

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GREAT BRITAIN.

[Communicated to Congress, January 7, 1814.]

To the Senate and House of  
Representatives of the United States:

I transmit for the information of Congress copies of a letter from the British Secretary of State for Foreign Affairs to the Secretary of State, with the answer of the latter.

In appreciating the accepted proposal of the Government of Great Britain for instituting negotiations for peace, Congress will not fail to keep in mind that vigorous preparations for carrying on the war can in no respect impede the progress to a favorable result; whilst a relaxation of such preparations, should the wishes of the United States for a speedy restoration of the blessings of peace be disappointed, would necessarily have the most injurious consequences.

JAMES MADISON.

JANUARY 6, 1814.

Lord Castlereagh to the Secretary of State.

FOREIGN OFFICE, November 4, 1813.

SIR: I have the honor to enclose to you, for the information of the President of the United States, copy of a note which His Britannic Majesty's Ambassador at the Court of St. Petersburg was directed to present to the Russian Government, as soon as His Royal Highness, the Prince Regent, was informed that Plenipotentiaries had been nominated on the part of the American Government for the purpose of negotiating for peace with Great Britain, under the mediation of His Imperial Majesty.

His Lordship having, by the last courier from the imperial headquarters, acquainted me that the American Commissioners now at St. Petersburg have intimated, in reply to this overture, that they had no objection to a negotiation at London, and were equally desirous, as the British Government had declared itself to be, that this business should not be mixed with the affairs of the continent of Europe, but that their powers were limited to negotiate under the mediation of Russia:

Under these circumstances, and in order to avoid an unnecessary continuance of the calamities of war, the Prince Regent commands me to transmit, by a flag of truce, to the American port nearest to the Seat of Government, the official note above mentioned, in order that the President, if he should feel disposed to enter upon a direct negotiation for the restoration of peace between the two States, may give his directions accordingly.

In making this communication, I can assure you that the British Government is willing to enter into discussion with the Government of America for the conciliatory adjustment of the differences subsisting between the two States, with an earnest desire on their part to bring them to a favorable issue, upon principles of perfect reciprocity, not inconsistent with the established maxims of public law, and with the maritime rights of the British Empire.

The Admiral commanding the British squadron on the American station will be directed to give the necessary protection to any persons proceeding to Europe, on the part of the Government of the United States, in furtherance of this overture; or, should the American Government have occasion to forward orders to their Commissioners at St. Petersburg; to give the requisite facilities, by cartel or otherwise, to the transmission of the same.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,  
CASTLEREAGH.

THE AMERICAN SECRETARY OF STATE, &c.

Lord Cathcart to the Count De Nesselrode.

TOPLITZ, September 1, 1813.

The undersigned, Ambassador of His Britannic Majesty to the Emperor of all the Russias, desiring to avail himself of the first occasion to renew the subject respecting America, which was

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brought into discussion in a conference at the moment of his departure from Reichenbach, has the honor to address this note to his Excellency the Count de Nesselrode.

Although the Prince Regent, for reasons which have been already made known, has not found himself in a situation to accept the mediation of His Imperial Majesty, for terminating the dissensions with the United States of America, His Royal Highness desires, nevertheless, to give effect to the beneficent wishes which His Imperial Majesty has expressed of seeing the war between Great Britain and America soon terminated, to the mutual satisfaction of the two Governments.

With this view, His Royal Highness, having learned that the Envoys Plenipotentiary of the United States for negotiating a peace with Great Britain, under the mediation of His Imperial Majesty, have arrived in Russia, notwithstanding that he finds himself under the necessity of not accepting the interposition of any friendly Power in the question which forms the principal object in dispute between the two States, he is nevertheless ready to nominate Plenipotentiaries to treat directly with the American Plenipotentiaries.

His Royal Highness sincerely wishes that the conferences of these Plenipotentiaries may result in re-establishing between the two nations the blessing and the reciprocal advantages of peace.

If, through the good offices of His Imperial Majesty, this proposition should be accepted, the Prince Regent would prefer that the conferences should be held at London, on account of the facilities which it would give to the discussions.

But if this choice should meet with insuperable obstacles, His Royal Highness would consent to substitute Gottenburg, as the place nearest to England. The undersigned, &c.

CATHCART.

Secretary of State to Lord Castlereagh.

DEPARTMENT OF STATE,

January 5, 1814.

MY LORD: I have had the honor to receive, by a flag of truce, your Lordship's letter of the 4th of November last, and a copy of a note which His Britannic Majesty's Ambassador at the Court of St. Petersburg presented to the Russian Government on the 1st of September preceding.

By this communication it appears that his Royal Highness, the Prince Regent, rejected the mediation offered by His Imperial Majesty to promote peace between the United States and Great Britain, but proposed to treat directly with the United States at Gottenburg, or London, and that he had requested the interposition of the good offices of the Emperor in favor of such an arrangement.

Having laid your Lordship's communication before the President, I am instructed to state, for the information of His Royal Highness the Prince Regent, that the President has seen with regret the new obstacle to the commencement of a negotiation for the accommodation of differences

between the United States and Great Britain. As the Emperor of Russia was distinguished for his rectitude and impartiality, and was moreover engaged in a war as an ally of England, whereby it was his interest to promote peace between the United States and Great Britain, the President could not doubt that His Royal Highness the Prince Regent would accept the mediation which His Imperial Majesty had offered to them. It was the confidence with which the high character of the Emperor inspired the President that inclined him, disregarding considerations which a more cautious policy might have suggested, to accept the overture with promptitude, and to send Ministers to St. Petersburg to take advantage of it. It would have been very satisfactory to the President if His Royal Highness the Prince Regent had found it compatible with the views of Great Britain to adopt a similar measure, as much delay might have been avoided in accomplishing an object which it is admitted is of high importance to both nations.

The course proposed as a substitute for negotiations at St. Petersburg, under the auspices of the Emperor of Russia, could not, I must remark to your Lordship, have been required for the purpose of keeping the United States unconnected, against Great Britain, with any affairs of the Continent. There was nothing in the proposed mediation tending to such a result. The terms of the overture indicated the contrary. In offering to bring the parties together, not as an umpire, but as a common friend, to discuss and settle their differences and respective claims in a manner satisfactory to themselves, His Imperial Majesty showed the interest which he took in the welfare of both parties.

Wherever the United States may treat, they will treat with the sincere desire they have repeatedly manifested of terminating the present contest with Great Britain, on conditions of reciprocity consistent with the rights of both parties as sovereign and independent nations, and calculated not only to establish present harmony, but to provide, as far as possible, against future collisions which might interrupt it.

Before giving an answer to the proposition communicated by your Lordship to treat with the United States independently of the Russian mediation, it would have been agreeable to the President to have heard from the Plenipotentiaries of the United States sent to St. Petersburg. The offer of a mediation by one Power, and the acceptance of it by another, form a relation between them, the delicacy of which cannot but be felt. From the known character, however, of the Emperor, and the benevolent views with which his mediation was offered, the President cannot doubt that he will see with satisfaction a concurrence of the United States in an alternative, which, under existing circumstances, affords the best prospect of attaining speedily what was the object of his interposition. I am accordingly instructed to make known to your Lordship, for the information of His Royal Highness the Prince Regent, that the President accedes to his proposi-

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tion, and will take the measures depending on him for carrying it into effect at Gottenburg, with as little delay as possible; it being presumed that His Majesty the King of Sweden, as the friend of both parties, will readily acquiesce in the choice of a place for their pacific negotiations, within his dominions.

The President is duly sensible of the attention of His Royal Highness the Prince Regent in giving the orders to the Admiral commanding the British squadron on this coast, which your Lordship has communicated.

I have the honor to be, &c.

JAMES MONROE.

### MEDIATION OF RUSSIA.

[Communicated to the House, January 18, 1814.]

*To the House of Representatives  
of the United States:*

I transmit to the House of Representatives a report of the Secretary of State, complying with their resolution of the 13th instant.

JAMES MADISON.

JANUARY, 18, 1814.

DEPARTMENT OF STATE, Jan. 18, 1814.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 13th instant, requesting the President to lay before the House such documents relative to the Russian mediation as, in his opinion, it may not be improper to communicate, has the honor to transmit to the President for the information of the House, the following letters in relation to that subject, viz:

A letter in French (with the translation) from M. Daschkoff, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Russia, to the Secretary of State, of the 8th March, 1813, with the answer of the Secretary of State of the 11th of March.

An extract of a letter from the Secretary of State to Mr. Adams, Minister of the United States at St. Petersburg, of the 1st of July 1812, and four letters and extracts from Mr. Adams to the Secretary of State, bearing date respectively on the 30th September, 17th October, and 11th December, 1812, and on the 26th June, 1813.

All which is respectfully submitted.

JAMES MONROE.

Mr. de Daschkoff, Envoy Extraordinary and Minister Plenipotentiary of His Imperial Majesty the Emperor of all the Russias, to the Secretary of State of the United States.

WASHINGTON, Feb. 24, (March 8.) 1813.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, has the honor to make known to the Secretary of State of the United States of America, that he has just received orders from the Emperor his master, to make the

following overture to his Excellency the President of the United States:

The peace of Russia with England seemed to present this immense advantage to the commerce of nearly all seafaring people, that it freed their relations from that constraint, from that continual vexation, to which it had been subjected for many years without intermission. The Emperor viewed with pleasure a result so conformable to all his wishes, and which appeared as not being at all doubtful. It became so, however, by the war between England and America.

The undersigned is directed to express to the President of the United States the regret with which His Imperial Majesty foresees the great shackles which this new episode is about to oppose to the commercial prosperity of nations. The love of humanity, and what he owes to his subjects, whose commerce has already sufficiently suffered, command him to do everything in his power to remove the evils which this war is preparing even for those nations who will not take part in it.

His Majesty, who takes pleasure in doing justice to the wisdom of the Government of the United States of America, is convinced that it has done all that it could to prevent this rupture, but that treating of it directly would take away from the negotiation all semblance of impartiality. In a direct discussion, everything would tend to excite the prejudices and the asperity of the parties. To obviate this inconvenience, His Majesty the Emperor, gratified at being able to give a proof of his friendship alike for His Majesty the King of Great Britain and the United States of America, wished to offer to them his mediation, and charged the undersigned to propose it to the President of the United States.

The undersigned, having the honor to communicate to the Secretary of State the sentiments and the wishes of His Imperial Majesty, he begs him to make them known to the President of the United States. The Emperor would feel great satisfaction if a like disposition on the part of the Government of the United States should have the effect of stopping the progress of this new war, and of extinguishing it in its origin. From the satisfactory assurances which the President of the United States has constantly given to the undersigned of the sentiments of regard and friendship on the part of the United States, and of His Excellency for Russia, and particularly for the august person of His Majesty, he cannot but flatter himself that he will receive an answer which shall correspond with the generous wishes of the Emperor his master.

The undersigned cannot refrain from expressing on this occasion to the Secretary of State his individual wishes for whatever may have a tendency to re-establish active relations between Russia and the United States, and to advance the prosperity of the public.

He seizes with eagerness this occasion to renew to the Secretary of State the assurance of his highest consideration and respect.

ANDRE DE DASCHKOFF.

*Mediation of Russia.*

The Secretary of State to Mr. Daschkoff.

DEPARTMENT OF STATE, *March 11, 1813.*

SIR: I have had the honor to receive your note of the 8th instant, making known to the President of the United States the disposition of His Majesty the Emperor of Russia to promote peace, by his friendly mediation between the United States and Great Britain.

I am instructed by the President to assure you, that he sees in this overture, on the part of your Sovereign, strong proofs of that humane and enlightened policy which have characterized his reign. It was impossible that a war between the United States and Great Britain should not materially affect the commerce of Russia, and it was worthy the high character of a Prince, distinguished by his attachment to the interests of his people, to interpose his good offices for the restoration of peace. The President sees, at the same time, in this overture, and in the circumstances attending it, a strong proof of the friendly interest which His Imperial Majesty takes in the welfare of the United States. The United States, conscious that they were not the aggressors in this contest; that, on the contrary, they had borne great wrongs for a series of years before they appealed to arms in defence of their rights, are willing and ready to lay them down as soon as Great Britain ceases to violate those rights.

The President is aware that many of the inconveniences resulting from a direct communication between the parties themselves may be avoided by the mediation of a third Power, especially one entitled to and possessing the entire confidence of both the belligerents. To the claim of Russia to that distinguished consideration the President does not hesitate to express, on the part of the United States, his full acknowledgment. He collects with much satisfaction that, during a period of great and general contention, the relations of friendship have always subsisted between the United States and Russia; and he finds in the personal qualities and high character of the Emperor Alexander a sacred pledge for the justice and impartiality which may be expected from his interposition.

Influenced by these sentiments, the President instructs me to inform you that he willingly accepts the mediation of your Sovereign to promote peace between the United States and Great Britain. I am instructed also to state, that such arrangements will be made, without delay, as will afford to His Imperial Majesty the opportunity he has invited, to interpose his good offices for the accomplishment of so important an event. Of these arrangements I shall have the honor to advise you in an early communication.

I have, &c. JAMES MONROE.

Extract of a letter from the Secretary of State to John Quincy Adams, Esq., Minister Plenipotentiary of the United States at St. Petersburg.

DEPARTMENT OF STATE, *July 1, 1812.*

SIR: On the 18th ultimo a declaration of war against Great Britain passed Congress; of which,

of the President's Message, and report of the Committee of Foreign Relations of the House of Representatives leading to it, I have the honor to transmit to you copies.

You are too well acquainted with the causes which produced this result to require any explanation of them. As it appeared that Great Britain would not revoke her Orders in Council on the just grounds on which it was claimed, but enlarged the conditions on which she professed her willingness to revoke them, there remained no honorable course for the United States to pursue short of war. On full consideration of all circumstances this measure was adopted, and the Government is resolved to pursue it till its objects are accomplished with the utmost decision and activity in its Power.

In resorting to war against Great Britain, as the United States have done, by inevitable necessity, it is their desire and hope that it may be confined to her only.

It is seen with much regret that the Emperor of Russia is likely to be reduced to the necessity of becoming a party to the war in Europe, if he has not already become so. Should that event take place, there is no reason why the war between the United States and Great Britain should affect, in the slightest degree, the very friendly relations which now exist between the United States and Russia. It is the sincere desire of this Government to preserve, in their utmost extent, those relations with that Power.

With France our affairs in many important circumstances are still unsettled; nor is there any certainty that a satisfactory settlement of them will be obtained. Should it, however, be the case, it is not probable that it will produce any closer connexion between the United States and that Power. It is not anticipated that any event whatever will have that effect.

Extract of a letter from Mr. Adams to the Secretary of State.

ST. PETERSBURG, *Sept. 30, 1813.*

On the 20th instant I received a note from the Chancellor requesting me to call upon him the next evening, which I accordingly did; he told me that he had asked to see me by the Emperor's command; that, having made peace and established the relations of amity and commerce with Great Britain, the Emperor was much concerned and disappointed to find the whole benefit which he expected his subjects would derive commercially from that event defeated and lost by the new war which had arisen between the United States and England; that he had thought he perceived various indications that there was on both sides a reluctance at engaging in and prosecuting this war, and it had occurred to the Emperor that perhaps an amicable arrangement of the differences between the parties might be accommodated more easily and speedily by indirect than by a direct negotiation; that His Majesty had directed him to see me, and to inquire if I was aware of any difficulty or obstacle on the part of the Gov-

*Mediation of Russia.*

ernment of the United States, if he should offer his mediation for the purpose of effecting a pacification. I answered that it was obviously impossible for me to speak on this subject any otherwise than from the general knowledge which I had of the sentiments of my Government; that I was so far from knowing what their ideas were with regard to the continuance of the war, that I had not to that day received any official communication of its declaration; but that I well knew it was with reluctance they had engaged in the war; that I was very sure, whatever determination they might form upon the proposal of the Emperor's mediation, they would receive and consider it as a new evidence of His Majesty's regard and friendship for the United States, and that I was not aware of any obstacle or difficulty which could occasion them to decline accepting it.

I knew the war would affect unfavorably the interest of Russia. I knew it must be highly injurious both to the United States and England. I could see no good result as likely to arise from it to any one. The Count replied that he had considered it altogether in the same light, and so had the Emperor, who was sincerely concerned at it, and who had himself conceived this idea of authorizing his mediation. He thought an indirect negotiation conducted here, aided by the conciliatory wishes of a friend to both parties, might smooth down difficulties which, in direct discussion between the principals, might be found insuperable. To a mutual friend each party might exhibit all its claims, and all its complaints, without danger of exciting irritations or raising impediments. The part of Russia would only be to hear both sides, and to use her best endeavors to conciliate them. I observed, that there was a third party to be consulted as to the proposal—the British Government. The Count answered, that it had already been suggested by him to the British Ambassador, Lord Cathcart, who had the day before despatched it by a messenger to his Court. Some question occurred concerning the mode of enabling me to transmit this communication to the United States, upon which the Count promised to see me again in the course of a few days. He said that he should write to Mr. Daschkoff, and instruct him to make the proposition to the Government of the United States.

Mr. Adams to the Secretary of State.

ST. PETERSBURG, Oct. 17, 1812.

SIR: I received a few days since a letter from Mr. Russell, dated at London, the 9th of September, and informing me that his mission there had closed, that he had received his passports, and that in three days from that time he should leave the city to embark at Plymouth for the United States. He adds that the British Government had rejected a proposition which he had been authorized to make for a suspension of hostilities.

The evening before last I had another interview with the Chancellor, Count Romanzoff, at his request. There had been rumors in circulation here of an armistice in Canada, and of the appoint-

ment of Commissioners by the President for a new negotiation with Great Britain. The Count asked me if I had any authentic information of these circumstances. I said I had not; that my information was altogether of a different aspect; and I told him the substance of Mr. Russell's communication. He then observed that this incident would not discourage this Government from making an offer of its mediation, which he had suggested to me in a former conference. On the contrary, the failure of every new attempt at direct negotiation confirmed him in the belief and hope that a mediation might be more successful; a mediation of a common friend, not only desirous from the sentiment of friendship to see the parties reconciled to each other, but having also a strong interest of his own in their reconciliation.

The Count said he had his despatches for Mr. Daschkoff ready, instructing him to make the proposition in form to the American Government; and he asked me whether I could indicate to him a mode of transmitting them directly to the United States. In our former conversation (reported in my letter of the 30th ultimo) I had offered to despatch one of the American vessels now at Cronstadt, if the British Ambassador would furnish her a passport, or any document that would protect her from capture by British armed vessels. The Count said he had made the proposal to the Ambassador, who had expressed his readiness to give the document, provided the vessel and messenger should go by the way of England; a condition which the Count said he had told the Ambassador he could not ask me to agree to, and with which I did not think it, in fact, suitable to comply. There are, however, two American gentlemen here on the point of departure for the United States, and by them I shall transmit this despatch and its duplicate, together with those of the Chancellor, to Mr. Daschkoff.

I am, with great respect, sir, &c.

JOHN QUINCY ADAMS.

Mr. Adams to the Secretary of State.

ST. PETERSBURG, Dec. 11, 1812.

SIR: On the 4th instant I received the duplicate of your favor of 1st July last, announcing the declaration by the Congress of the United States of war against Great Britain, and enclosing printed copies of the President's Proclamation founded upon it, of his previous Message recommending it, of the report of the Committee of Foreign Relations proposing it, and of the National Intelligencer of the 20th June. The original of your letter, with these documents, not having yet come to hand, these gave me the first official communication of the war.

I had, on the 7th instant, an interview with the Chancellor, Count Romanzoff, in which I communicated to him the substance of that part of your despatch which related to Russia, and those which concern the state of our relations with France. In the present state of the war between this country and France, I was convinced that the view of the American Government's inten-

*Mediation of Russia.*

tions with regard to that Power, so explicitly and so strongly manifested in your letter, would not only be gratifying to the Chancellor, but that it would be satisfactory to the Emperor, and would powerfully counteract any impressions unfavorable to the United States, which the English interest here is endeavoring to excite. I therefore told the Count, that, although I had not been instructed to make to him any official communication of the declaration of war, the dispositions of the American Government towards other Powers, and particularly towards Russia, on this occasion, had been distinctly suggested to me, in a manner which I felt it my duty to make known to him; that the United States, compelled by unavoidable necessity to vindicate their violated rights against Great Britain by war, were desirous that it might be confined exclusively to them and their enemy, and that no other Power might be involved in it; that it was particularly and earnestly their wish to preserve and maintain, in their fullest extent, their commercial and friendly relations with Russia; that the war in which the Emperor is now engaged against France, although it could not be known by the President to have been actually commenced at the time when your despatch was written, was, however, contemplated as more than probable, and the necessity which obliged the Emperor to take a part in it was mentioned to me as a cause of regret to the American Government; but it was hoped it would not, in the slightest degree, affect the friendly dispositions between Russia and the United States; that I was informed by you that the principal subjects of discussion which had long been subsisting between us and France remained unsettled; that there was no immediate prospect that there would be a satisfactory settlement of them; but that, whatever the event in this respect might be, it was not the intention of the Government of the United States to enter into any more intimate connexions with France. This disposition, I added, was expressed in terms as strong and clear as I thought language could afford. It was even observed that the Government of the United States did not anticipate any event whatever that could produce that effect; and I was the more happy to find myself authorized by my Government to avow this intention, as different representations of their views had been widely circulated as well in Europe as in America.

The Count received this communication with assurances of his own high satisfaction at its purport, and of his persuasion that it would prove equally satisfactory to the Emperor, before whom he should lay it without delay. He said that, with regard to the friendly and commercial relations with the United States, it was the Emperor's fixed determination to maintain them, so far as depended upon him, in their fullest extent. He asked me if I had any objection to his communicating to the British Government itself that part of my information to him which related to France. I said that, on the contrary, as the British Government had, in the course of our discussions with them, frequently intimated the belief that the

American Government was partial to France, and even actuated by French influence, I supposed that the knowledge of this frank and explicit statement, with a due consideration of the time and occasion upon which it was made, must have a tendency to remove the prejudice of the British Cabinet, and, I would hope, produce on their part a disposition more inclining to conciliation.

Yesterday the Count sent a note requesting me to call upon him again, which I accordingly did. He showed me the draught of a despatch to the Count Lieven, the Russian Ambassador in England, which he had prepared to lay before the Emperor for his approbation, and which related the substance of my conversation with him, particularly in regard to the intentions of the American Government with reference to France; instructing Count Lieven to make it known to Lord Castlereagh, and to use it for the purpose of convincing the British Government of the error in suspecting that of the United States of any subserviency to France, in the expectation that it would promote in the British Ministry the disposition to peace with the United States, which he (Count Lieven) knew His Imperial Majesty had much at heart, believing it equally for the interest of both Powers, and also for that of his own empire. The Chancellor said that, as this despatch would refer to what I had verbally stated to him in our preceding conversation, he wished, before submitting it to the Emperor, that I should peruse it to satisfy himself that he had connectedly represented the purport of my communication to him; and he desired me, if I should find any inaccuracy or variation from what I had said to him, to point it out to him; that he might make the despatch perfectly correspond with what I had said. I did, accordingly, notice several particulars in which the exact purport of what I had said might be expressed with more precision. He immediately struck out the passages which I noticed in this manner from the draught, and altered them to an exact conformity with the ideas I had intended to convey. The changes were inconsiderable, and were no otherwise material than as I was desirous of the utmost accuracy in the relation of what I had said, under the authority of your despatch.

This communication of the settled determination of the American Government not to contract any more intimate engagements with France, will thus be made to the British Ministry with my full consent. The Chancellor's despatch does not say that he was authorized by me to make it. It merely relates the substance of that part of my conversation with him, and directs Count Lieven to use it with a view to promote the purpose of pacification. The Chancellor understands that my consent was merely my own act, without authority from you; my motive in giving it was the same with that of his instruction to Count Lieven, because I believed its tendency would be to promote the spirit of pacification in the British Cabinet. I told the Chancellor I was aware that its effect might be different. That the very certainty that we should not seek or



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even accept a community of cause with their most dreaded enemy might make them more indifferent to a peace with us. But in calculating the operation of a generous purpose even upon the mind of an inveterate enemy, I feel an irresistible impulse to the conclusion that it will be generous like itself. I asked the Chancellor whether he had received an answer from England upon the proposal of the Emperor's mediation. He said that, without accepting or rejecting it, they had intimated the belief that it would not be acceptable in America.

I am, with great respect, sir, &c.

JOHN QUINCY ADAMS.

Extract of a letter from Mr. Adams to the Secretary of State, dated

St. PETERSBURG, June 26, 1813.

On the 15th instant I had an interview with the Chancellor, Count Romanzoff, at his request, when he informed me that he had received answers from Mr. Daschkoff to the despatches of which Mr. Harris was the bearer; that the President had accepted the Emperor's office of mediation; and that Mr. Daschkoff had sent him a copy of your answer to him, expressive of that acceptance. He then put into my hands your letter to Mr. Daschkoff of March 11, with the tenor of which he appeared to be much gratified; and which he said he should immediately transmit to the Emperor. At the same time English newspapers had been received here mentioning the appointment of Messrs. Gallatin and Bayard, but intimating strongly the determination of the British Government to reject the mediation. A few days after, I received from a friend the National Intelligencer of the 15th April, containing an editorial paragraph concerning the appointment of those gentlemen, which I communicated to the Count on the 22d. I observed to him, that however the British Government might think proper to act on this occasion, that of the United States would at least have manifested in a signal manner at once its earnest and constant desire for a just and honorable peace, and its sense of the motives which had induced the Emperor's offer. That the President could not have adopted a measure better adapted to do honor to His Majesty's proposal, than by the appointment of two persons among the most distinguished of our citizens, to co-operate, on the part of the United States, in accomplishing the Emperor's friendly and benevolent purpose; and that if it should eventually fail of being successful, at least the true and only source of its failure would be known; that he had received, since he saw me last, despatches from Count Lieven; that the British Minister, in terms of much politeness, had intimated to him, that there was no Sovereign whose mediation they should more readily accept than that of the Emperor, but that their differences with the United States were of a nature involving principles of the internal government of the British nation, and which it was thought were not susceptible of being committed to the dis-

cussion of any mediation. The Count added, that it would remain to be considered whether, after this, and after the solemn step taken by the Government of the United States, it would be advisable to renew the offer to the British Ministry, and give them an opportunity for a reconsideration. It was possible that further reflection might lead to a different resolution, and he should submit the question to the Emperor's determination. Different circumstances furnished other materials for deliberations.

FRANCE.

[Communicated to the House, January 18, 1814.]  
*To the House of Representatives  
of the United States:*

I transmit to the House of Representatives a report of the Secretary of State complying with their resolution of the 11th instant.

JAMES MADISON.

JANUARY 18, 1814.

DEPARTMENT OF STATE, Jan. 18, 1814.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 11th instant, requesting the President to communicate to the House any information in his possession, and which it may not be improper to divulge, in relation to the omission or refusal of the French Government to accredit the Minister Plenipotentiary of the United States to that Court, or of his reception if accredited, of the time when he was so accredited, and of the progress of his negotiation, has the honor to communicate to the President, for the information of the House, the following letters in relation to that subject, namely:

A letter from Mr. Crawford to the Secretary of State, of the 15th August, 1813, enclosing one to the Duke of Bassano, of the 27th July, and his answer of the 1st August; and an extract of a letter from Mr. Crawford to the Secretary of State of the 8th of September, 1813.

Respectfully submitted.

JAMES MONROE.

Mr. Crawford to Mr. Monroe.

PARIS, August 15, 1813.

SIR: On the twenty-seventh ultimo I wrote to the Duke of Bassano, to inform him of my arrival in Paris, in quality of Minister Plenipotentiary of the United States. On the 8th instant I received an answer dated at Dresden, on the 1st. Copies of my note and of his answer are herewith enclosed.

With sentiments of high respect, I remain, yours, &c.

WM. H. CRAWFORD.

Hon. JAMES MONROE,  
*Secretary of State.*

*Great Britain—Naturalization.*

[Enclosed in Mr. Crawford's letter of Aug. 15, 1813.]

*Mr. Crawford to the Duke of Bassano.*

PARIS, July 27, 1813.

MY LORD: I have the honor to inform your Excellency that I have been appointed by the President of the United States of America Minister Plenipotentiary to the Court of his Imperial and Royal Majesty, the Emperor of the French and King of Italy. I wait the pleasure of your Excellency as to the time and manner of presenting my official credentials, preparatory to my reception by the Government of His Imperial and Royal Majesty as the accredited Minister Plenipotentiary of the United States of America.

I seize on the present occasion to assure your Excellency of the distinguished consideration with which I have the honor to be, your most obedient and very humble servant,

WM. H. CRAWFORD.

From the Duke of Bassano to Mr. Crawford.

DRESDEN, August 1, 1813.

SIR: I have had great pleasure in hearing of your safe arrival in France, and I have received the letter which you did me the honor to address me on the 27th of July, on your nomination in quality of Minister Plenipotentiary of the United States to His Imperial Majesty the Emperor of the French and King of Italy. The choice which your Government has made of a person so distinguished in his own country, and so worthy of this honorable mission, cannot but be agreeable to His Imperial Majesty; and though he is at this time absent from Dresden, I can give you this assurance in his name. I will have the honor to communicate to you his intentions respecting the presentation of your letters of credence and your reception. Without waiting even for this, I will receive all the communications which you may think proper to make to me as the Minister Plenipotentiary of your Government, and the delay of a formality will produce no delay in the exercise of the mission confided to you, or in the correspondence which it will procure for me the benefit of holding with you.

Accept, sir, the assurance of my consideration.

THE DUKE OF BASSANO.

Extract of a letter from Mr. Crawford to Mr. Monroe.

PARIS, September 8, 1813.

I have just received an answer to the note which I addressed to the Duke of Bassano, requesting Mrs. Barlow's passports. On the subject of recognition, he says that he is very solicitous I should present my letter of credence to the Emperor in Paris. He does not repeat his invitation to communicate with him. The operations of the war will probably detain the Emperor in the North until the Winter. It is believed that the Duke of Bassano will not return before him. If this opinion should be realized, the Winter will be far advanced before I shall be able to draw the attention of the French Government to the subjects of discussion between the two nations.

# GREAT BRITAIN—NATURALIZATION.

[Communicated to the Senate, April 16, 1814.]  
*To the Senate of the United States.*

I transmit to the Senate a report of the Secretary of State, complying with their resolutions of the 2d February and 9th of March.\*

JAMES MADISON.

APRIL 16, 1814.

DEPARTMENT OF STATE, April 14, 1814.

The Secretary of State, to whom were referred several resolutions of the 2d July and 9th March last, has the honor to submit to the President the following report:

Although these resolutions are of different dates, and refer to subjects in some respects distinct in

\*The resolutions are as follows:

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate a statement of the names of the individuals selected from American prisoners of war and sent to Great Britain for trial, as mentioned in his Message at the commencement of the present session of Congress; and also their respective places of residence in the United States, with the times when, and the courts where, they were admitted to become citizens of the United States, and the regiments or corps to which they belonged in the service of the United States when taken by the enemy, and the times and places of their being so taken; together with copies of any official correspondence respecting the treatment of prisoners of war, and any orders for retaliation on either side, which the President may judge proper to be communicated.

FEBRUARY 2, 1814.

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the practice of Great Britain concerning her native subjects naturalized in other countries and taken in arms against her; also, what is the general practice of the nations of Europe relative to the naturalization or employment in war between two nations of the native subjects of each other.

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against her, and for which punishment retaliation has been inflicted by the nation in whose service they were taken.

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show under what circumstances, and on what grounds, Great Britain has been in the practice of refusing to discharge native citizens of the United States impressed into her service.

*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such information as he may possess, calculated to show what has been the conduct of Great Britain relative to American seamen on board her ships of war at and since the commencement of the war with the United States.

MARCH 9, 1814.

*Great Britain—Naturalization.*

their nature, yet, as they are connected in others of considerable importance, which bear essentially on the conduct of both parties in the present war, it is thought proper to comprise them in the same report.

The first of these resolutions calls for the names of the individuals who were selected from the American prisoners of war, and sent to Great Britain for trial; their places of residence in the United States; the times when, and the courts by which, they were admitted to become citizens; the regiments to which they belong; when and where they were taken; with copies of any official correspondence respecting the treatment of prisoners of war, and of any orders for retaliation on either side.

The other resolutions request information of the conduct of Great Britain towards her native subjects taken in arms against her, and of the general practice of the nations of Europe relative to naturalization, and the employment in war, each of the subjects of the other; of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against it, for which punishment retaliation was inflicted by the nation in whose service they were taken; and, lastly,

Under what circumstances, and on what grounds, Great Britain has refused to discharge native citizens of the United States impressed into her service; and what has been her conduct towards American seamen on board her ships of war at and since the commencement of the present war with the United States.

The paper marked A contains the names of the American prisoners who were sent to England for trial by the British commander in Canada; of the corps to which they belong; of the times when, and of the places where, they were taken; of their places of residence in the United States; of the times and the courts in which they were admitted to become citizens, there is no evidence in this department; nor is there any to show whether they were naturalized or native citizens of the United States. This paper contains, also, a copy of the orders of both Governments for retaliation, and of the correspondence between their respective commissaries concerning the treatment of prisoners.

The paper marked B states various grounds on which the British Government has refused to deliver up American seamen impressed into the British service, on the application of the agents of the United States, regularly authorized to demand them, with the correspondence relating to the same. It communicates, also, such information as this department has been able to obtain of the conduct of the British Government towards American seamen on board British ships of war, at and since the commencement of the present war. Among the causes assigned for their detention, the following are most deserving of notice:

1. That they had no documents, or that their documents were irregular.

2. That they were released from prison in Gotenburg.

3. That they were exchanged as British subjects.

4. Were said to be impostors.

5. To have married in England.

6. Did not answer the descriptions given of them in their protections.

7. Had attempted to desert.

8. Were sent into the service for smuggling.

9. Were not to be found on board of the ship stated.

10. Had voluntarily entered into the British service.

11. Were natives of foreign countries, Prussia, Sweden, Italy, &c.

It is possible that some of the seamen, whose discharges were demanded, may not have been native citizens of the United States, but very presumable that the greater part were. Indeed, the pretext assigned for their detention seems to admit it. Had they been native subjects of England, being there, their origin might have been traced. But that is the ground in few instances only. In urging that some had no protections, or that their protections were irregular; that others had been exchanged as British prisoners; were impostors; had attempted to desert; did not answer the protections given them; were natives of Prussia, Sweden, &c.; it is fairly to be inferred that the public authority in England, to whom this duty is assigned, sought rather to evade the application than to justify the refusal. The pretext that some were natives of Prussia, Sweden, &c., deserves particular attention. On this circumstance the Secretary will remark only, that in extending impressment, in American vessels, to persons who could not be mistaken for British subjects, and refusing to surrender them, on application, to the voluntary service from which they were taken, it is evident that the recovery of the British seamen has not been the sole object of the practice.

By the report of the American Commissary of Prisoners in England, it appears that a considerable number of our seamen have been transferred from British ships of war to prisons; that their exchange for British seamen taken in battle was demanded in the first instance, but that that claim seems to have been since waived. It might have been expected that the British Government, on being satisfied that these men or that any of them were American citizens, would have liberated and sent them home at its own charge. They are, however, still held prisoners in confinement. That many of them, if not all, are native citizens cannot be doubted; for had the proof not been irresistible, it cannot be presumed, while so many others are detained on board British ships of war, that these would have been exempted from that service. That many are still detained on board British ships of war may be fairly inferred, even without other evidence, from the indiscriminate manner of British impressment; from the distant service in which the men thus impressed are often necessarily employed, depriving their friends of an opportunity to communicate with them; and from the inconsiderable number discharged,

*Great Britain—Naturalization.*

compared with that which has been demanded. Without relying altogether on the reports heretofore made to Congress by this department, the letter of Commodore Rodgers, heretofore annexed, affords data from which an estimate may be formed. On this point the correspondence between General Taylor and the Captain of the British ship the Dragon, and Commodore Decatur and Commodore Capel, deserve also particular attention. If the British Government would order a strict search to be made through the British navy for American seamen, it would then be seen how many of our native citizens have participated in the lot of the unfortunate men mentioned in the correspondences referred to.

The contrast which these documents present, in the pretensions and conduct of Great Britain, with the pretensions and conduct of the United States, cannot fail to make a deep impression in favor of the latter. The British Government impresses into its navy native citizens of the United States, and compels them to serve in it, and, in many instances, even to fight against their country; while it arrests as traitors, and menaces with death, persons suspected to be native British subjects, for having fought under our standard against British forces, although they had voluntarily entered into our army after having emigrated to the United States, and incorporated themselves into the American society. The United States, on the other hand, have forced no persons into their service, nor have they sought, nor are they disposed to punish any, who, after having freely emigrated to any part of the British dominions, and settled there, may have entered voluntarily into the British army.

The remaining inquiries relate to objects other than the immediate conduct of the parties in the present war. They demand information of the conduct of Great Britain and of other Powers in past times, without limitation in the retrospect, in circumstances bearing on the question of retaliation. The information required relates to the following points:

1st. The conduct of Great Britain and the other nations of Europe as to naturalization, and the employment in war, each of the subjects of the other.

2d. As to the punishment of their native subjects taken in arms against them in the service of other Powers.

3d. Examples of retaliation by the latter in such cases.

These inquiries necessarily involve an extensive research into the history and jurisprudence of the nations of Europe. For so important a task the other duties of the Secretary of State have altogether disqualified him since the call was made. The approaching close of the session does not leave him time for more than the following observations: That all the nations of Europe naturalize foreigners.

That they all employ in their service the subjects of each other, and frequently against their native countries, even when not regularly naturalized.

That they all allow their own subjects to emigrate to foreign countries.

That although examples may be found of the punishment of their native subjects taken in arms against them, the examples are few, and have either been marked by peculiar circumstances taking them out of the controverted principle, or have proceeded from the passions or policy of the occasion. Even in prosecutions and convictions having the latter origin, the final act of punishment has, with little exception, been prevented by a sense of equity and humanity, or a dread of retaliation. It is confidently believed that no instance can be found in which the alleged purposes of the enemy against the twenty-three prisoners in question, under all the circumstances which belong to their case, even should any of them not have been regularly naturalized, are countenanced by the proceedings of any European nation.

That if no instances occur of retaliation, in the few cases requiring it, or in any of them, by the Governments employing such persons, it has been, as is presumed, because the punishment which had been inflicted by the native country might be accounted for on some principle other than its denial of the right of emigration and naturalization. Had the Government, employing the persons so punished by their native country, retaliated in such cases, it might have incurred the reproach, either of countenancing acknowledged crimes, or of following the example of the other party in acts of cruelty, exciting horror rather than of fulfilling its pledge to innocent persons in support of rights fairly obtained, and sanctioned by the general opinion and practice of all the nations of Europe, ancient and modern.

All which is respectfully submitted.

JAMES MONROE.

The PRESIDENT of the United States.

A.

List of twenty-three American soldiers belonging to the 1st, 6th, and 13th United States' regiments, captured at Queenstown, in Upper Canada, on the 13th October, 1812, and sent to England for trial, on pretext of being British subjects, viz:

Henry Kelly, Henry Blaney, George McCammon, John Dolton, Michael Condin, John Clark, Peter Burr, Andrew Doyle, John McGown, James Gill, John Fulsum, Patrick McBraharty, Matthew Mooney, Patrick Karns, John Fitzgerald, John Wiley, John Donnelly, John Currey, Nathan Shaley, Edward McGarigan, John Dinne, John Williams, and George Johnson.

OFFICE OF COMM'RY GEN'L PRISONERS,

April 13, 1814.

SIR: In obedience to your instructions under the resolution of the Senate of the United States of the 9th of February, I have the honor to transmit you copies of the orders for retaliation which have issued from this office, and of such orders of like nature, on the part of the enemy, as have been received; together with copies of such offi-

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cial correspondence as has been held with the agents of the enemy, or other persons, in direct relation to the treatment of prisoners of war. With these are filed the official letters and papers furnished me from time to time by any of the departments of the Government, which are connected with either subject.

Each case, for the greater facility of reference, has been made up separately, without regard to dates, other than those of the papers immediately belonging to it. The cases marked from A to K relate to the treatment of prisoners, on account of which retaliation has been resorted to by one or both parties. The cases marked L relate to the treatment of prisoners, for which measures of retaliation have not yet been used by either party.

In the case A five of the men of the American stoop-of-war *Nautilus* were sent back from England to Halifax, and restored to the ordinary state of prisoners; when ten of the men of the British ship *Guerriere*, confined to answer for them at Boston, were immediately released. The sixth man of the *Nautilus* has not yet been accounted for; two men of the *Guerriere* are held as hostages for him.

In the case B the six men of the American private armed vessel *Sarah Anne*, confined at Jamaica, and threatened with trial, were given up. As soon as this fact was made known, the twelve British seamen set apart and confined at Charleston on their account, were released and placed among the prisoners for exchange.

In the case C, commencing with twenty-three prisoner soldiers of the United States' Army, transported by the enemy to England for trial, on pretext of being British subjects, all the officers and soldiers designated in retaliation on either side are yet held as hostages; although a partial relaxation has taken place on the part of the enemy, as well in regard to the manner of confinement of some of our officers, as in giving limited paroles. These departures from the first measures of severity, it will be seen, have been fully met by corresponding acts of indulgence to their officers similarly situated.

In the case D, Thomas King, one of the two American seamen confined at Bermuda, having, by singular enterprise and good fortune, effected his escape from the prison ship, and reached his country again in safety, after navigating the ocean for nine days, alone, in an open boat, the two British seamen in confinement on his account were released from the condition of hostages. John Stevens being still under accusation, in the hands of the enemy, the two men selected to answer for his safety are yet so held.

In the case E, it was regularly announced during last Winter, that Captain Nicholls was then considered by the enemy as an ordinary prisoner of war in their hands. So soon as it was known that the accusations brought against him were withdrawn, one of the British captains allotted to answer, in his person, for the safety and proper treatment of Captain Nicholls, was released from confinement, and admitted to parole. The other British captain has been retained in the same sort

of confinement to which Captain Nicholls is yet subjected. It will be perceived that, latterly, it has been agreed that they both be released and exchanged against each other.

In the case F, it having been communicated, on the part of the enemy, that the sixteen maritime officers and seamen confined at Halifax in dungeons had been removed to more airy and wholesome prison rooms, first the officers, and then the men, and that their confinement in other respects had been made less rigid, the same mitigated course, step by step, was taken here with regard to their officers and men, who, in retaliation, had been subjected to a like severe treatment. As to the one hundred and one American seamen sent to England, as first stated by the agents of the enemy, for trial, the cause for so sending them was soon after disavowed as to eighty-three of them. As many British seamen held against them were then returned to the ordinary state of prisoners. There yet remain eighteen in close custody, subject to whatever treatment the enemy may use towards that number of our seamen of this class not satisfactorily accounted for.

For the fifty-nine American soldiers picked out and sent to England, first, on the plea of being British deserters, and then (this having been abandoned) that they had given themselves up as British subjects, fifty-nine British soldiers are yet held in separate and close confinement.

In the case G, of Joshua Penny; H, of John Swanton; I, of Thomas Goldsmith; and K, of Witmore Knaggs; for the proper treatment and safety of each of whom a British prisoner of corresponding rank and condition has been designated and confined; no relaxation having taken place on the other side, the several hostages so designated are yet held to answer, respectively, in their persons, for the ultimate measures of the enemy.

With very great respect, I have the honor to be, sir, your most obedient servant,

J. MASON.

HON. JAS. MONROE, *Secretary of State.*

A.

[Here were inserted a letter from Admiral Warren to the Secretary of State, of September 30, 1812, and the reply thereto, dated October 28, 1812; for both of which, see *Appendix*, 2d Session 12th Congress, page 1197.]

Extract of a letter from Admiral Sir John Borlase Warren to the Secretary of State, dated

BERMUDA, March 8, 1813.

I must refer you to my letter of the 30th of September, 1812, in which I stated the circumstance of twelve men belonging to the *Guerriere*, taken out of a cartel by Commodore Rodgers, and illegally detained, upon the pretext of six others, who were supposed to be British subjects, having been sent to the United Kingdom for examination; since that event, five of these people, named in the enclosed list, have been received at Halifax,

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with orders for their discharge. I therefore request that you will communicate these particulars to the President, in order that further directions may be given respecting the *Guerriere's* men, so long confined at Boston, and to obviate the other inconveniences which must inevitably arise from such practices.

Extract of a letter from the Secretary of State to Admiral Warren, dated

APRIL 16, 1813.

It appears by your letter, (of the 8th of March from Bermuda,) that five only of the seamen that were taken on board the *Nautilus*, and sent to England in confinement, have been returned; no account is given of the sixth. Orders have been issued for the release of ten of the twelve men, who, on a principle of retaliation, were confined by Commodore Rodgers at Boston.

You will be sensible that it will be impossible, on that principle, to discharge the other two men until the sixth American seamen is returned, or such an explanation given of the cause of his detention as, according to the circumstances of the case, regarding the conduct of the British Government towards American seamen under similar circumstances, ought to be satisfactory.

Colonel Barclay to General Mason.

GEORGETOWN, April 13, 1813.

SIR: I beg leave to call your attention to the latter paragraph in the document A, which I had the honor of enclosing in my letter to you of this day's date, and to request that the twelve British prisoners of war therein mentioned, formerly composing part of the crew of His Majesty's ship *Guerriere*, and taken out of a cartel by Commodore Rodgers, may be included in the first exchange of prisoners of war, as five of the six detained seamen of the United States' sloop of war *Nautilus* have been discharged at Halifax as American seamen.

I have the honor to be, &c.

THOMAS BARCLAY.

Gen. JOHN MASON, &c.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

JUNE 12, 1813.

Ten of the men detained of the late British ship *Guerriere* were, immediately after the date of Mr. Monroe's letter, released from duress, and placed in the ordinary situation of prisoners of war; and the Marshal of Massachusetts has orders to send them with the first British prisoners that go by cartel from Boston, &c.

B.

[Here was inserted an extract of a letter from Major General Pinckney to the Secretary of War, dated Headquarters, Charleston, November 4, 1812; for which see *Appendix*, 2d Session 12th Congress, page 1239.]

Mr. Grandison to the Commander-in-Chief at Nassau.

CHARLESTON, November 4, 1812.

SIR: A report having reached me that six of our prisoners are sent to Jamaica to be tried as British subjects, I have been induced to retaliate, by ordering twelve of the British prisoners to be detained as hostages until the fate of our citizens be known; their fate will decide the fate of yours. I have the honor to be, &c.

CY. GRANDISON,

United States' Navy.

The COMMANDER-IN-CHIEF at Nassau.

[For the letter of Captain Moon, dated at Nassau, N. P., October 14, 1812, see *Appendix*, 2d Session 12th Congress, page 1239.]

Colonel Barclay to General Mason.

HARLEM, June 1, 1813.

SIR: I beg leave to refer you to a communication, which took place some time in the Autumn or Winter preceding, between Mr. Baker, His Majesty's late agent for prisoners of war, and Mr. Monroe, Secretary of State, respecting six of the crew of the late American privateer *Sarah Ann*, Richard Moon, master, captured by His Majesty's sloop *Rhodian*, John George Ross, Esq., commander, whose names are inserted in the margin, and who it appears were sent to Jamaica, to which station the *Rhodian* belonged, on suspicion of their being subjects of His Majesty; and I further request your attention to a letter from Major General Pinckney to the Secretary of War, dated "Headquarters, Charleston, November 4, 1812;" from which it appears, that twelve of His Majesty's subjects, then prisoners of war at Charleston, were held in prison to answer in their persons for the fate of the six men of the *Sarah Ann* privateer, sent to Jamaica.

I have the honor to enclose you the copy of a letter from Vice Admiral Stirling, commanding His Majesty's ships of war on the Jamaica station, to Mr. Simpson, late sub-agent for prisoners of war at Charleston; from which you will perceive that the six men of the *Sarah Ann* are considered by the Admiral as American prisoners generally, and are now on board a prison-ship, in common with other American prisoners.

Having given you this information with respect to the six men of the *Sarah Ann* privateer, I have to request you will take the necessary measures to have the contingent responsibility, which it was thought proper to attach to the persons of twelve British seamen, now in prison in Charleston, taken off, and that they may be informed thereof.

I understand that John Gaul, one of the six men, was paroled, and arrived at Georgetown, South Carolina, in the brig *Cyrus*, and that he reported himself to the marshal, who informed Mr. Simpson "that he had sent on to the Department of State his parole."

I have the honor to be, &c.

THOMAS BARCLAY.

General MASON.



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Admiral Stirling to Mr. Simpson.

SHARK, PORT ROYAL, JAMAICA,

March 29, 1813.

SIR: Captain Mowbray, of His Majesty's sloop Moselle, has just sent to me the copy of a letter from you to him, and another to Mr. Cook, of His Majesty's late sloop Rhodian, dated the 25th ultimo, respecting six men mentioned in the margin,\* who were sent here from the Bahamas, as having been taken in the American privateer Sarah Ann, and supposed to be subjects of His Majesty; but, as no proof to what country they belong has been adduced, it has never been my intention to bring them to trial, and they are at present on board of the prison-ships, waiting an exchange of prisoners.

I am, sir, yours, &amp;c.

CHARLES STIRLING,

Vice Admiral.

CHAS. R. SIMPSON, Esq.

OFFICE-COMM'RY GEN'L OF PRISONERS,

WASHINGTON, June 9, 1813.

SIR: I learn with pleasure, by the letter you did me the honor to address me on the 1st instant, and the letter from Admiral Stirling you have enclosed, that the six men belonging to the American privateer Sarah Ann, detained in October last, and sent to Jamaica to be tried as British subjects, have been restored to the ordinary state of prisoners of war, to wait an exchange, and that there is now no intention to bring them to trial.

I very cheerfully comply with your request, sir, and have this day requested the Marshal of South Carolina to restore, in like manner, to the ordinary state of prisoners of war, the twelve British seamen confined under the orders of this Government by him, and to inform them that the responsibility attached to their persons for the safety of the men of the Sarah Ann has been taken off.

I have the honor to be, &amp;c.

J. MASON.

Col. THOS. BARCLAY, &amp;c.

C.

WASHINGTON, January 30, 1813.

SIR: I think it my duty to lay before the Department, that, on the arrival at Quebec of the American prisoners of war surrendered at Queens-town, they were mustered and examined by British officers appointed to that duty, and every native born of the United Kingdoms of Great Britain and Ireland sequestered and sent on board a ship of war then in that harbor. The vessel, in a few days thereafter, sailed for England with those persons on board.

Between fifteen and twenty persons were thus taken from us, principally natives of Ireland, several of whom were known by their platoon officers to be naturalized citizens of the United States, and others to have been long residents within the same. One, in particular, whose name has escaped me, besides having complied with all the

conditions of our naturalization laws, was represented by his officers to have left a wife and five children, all of them born within the State of New York.

I distinctly understood, as well from the officers who came on board the prison-ship for the above purpose, as from others with whom I remonstrated on this subject, that it was the determination of the British Government, as expressed through Sir George Prevost, to punish every man whom it might subject to its power, found in arms against the British King, contrary to his native allegiance.

I have the honor to be, &amp;c.

W. SCOTT,

Lieut. Col. U. S. 2d artillery.

HON. SECRETARY OF WAR.

LONDON, March 1, 1813.

SIR: Annexed you have a copy of a letter from Henry Kelly, in behalf of himself and twenty-two persons. He states that they are all citizens of the United States, and have wives and children there; that they were taken last October, in Upper Canada, and that they were sent to this country because they were born within the British dominions. I am, respectfully, &c.

R. G. BEASLEY.

To the SECRETARY OF STATE.

ON BOARD H. M. SHIP NAMUR,

LYING AT THE NORE, FEB. 6, 1813.

SIR: This is to inform you of the under-named twenty-three American soldiers belonging to the 13th, 6th, and 1st regiments of the United States' armies. We were taken on the 13th of October, in Upper Canada. The reason of their sending us twenty-three here is, we were born in the British dominions, though we are all citizens of the United States, and have our wives and children there. We are in a very miserable situation for clothing, having drawn no winter clothes before we were taken. We therefore hope you will send us some relief to shelter us from the inclemency of the weather.

Sir, I remain your obedient servant,

HENRY KELLY.

Sir, these are the names of my fellow-sufferers: Henry Blaney, George McCammon, John Dolton, Michael Condin, John Clark, Peter Burr, Andrew Doyle, John McGowan, James Gill, John Fulsum, Patrick McBraharty, Matthew Mooney, Patrick Karns, John Fitzgerald, John Wiley, John Donnelly, John Curry, Nathan Shaley, Edward McGarrigan, John Dinne, John Williams, George Johnson.

Mr. R. G. BEASLEY.

WAR DEPARTMENT, May 15, 1813.

SIR: You will herewith receive the copy of a letter addressed to the Secretary of State by R. G. Beasley, Esq., our commissary of prisoners in London, by which it appears, that twenty-three soldiers of the 1st, 6th, and 13th regiments of the United States' infantry, made prisoners during

\* Edward Dick, Thomas Rodgers, Adam Taylor, John Gaul, Michael Pluck, and George G. Roberts.

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the last campaign in Upper Canada, have been sent to England in confinement, as British subjects.

You are therefore hereby commanded to put into close confinement twenty-three British soldiers, to be kept as hostages, for the safe keeping and restoration (on exchange) of the soldiers of the United States who have been sent as above stated to England.

So soon as this order shall have been executed, you will communicate the reasons of it to the British Commander-in-chief in Canada.

Very respectfully, &c.

JOHN ARMSTRONG.

To Major General DEARBORN.

HEADQUARTERS, MONTREAL,  
October 17, 1813.

SIR: Having transmitted to His Majesty's Government a copy of a letter addressed to me on the 31st of May last, by Major General Dearborn, in which it is stated that "the American commissary of prisoners in London had made it known to his Government that twenty-three soldiers of the 1st, 6th, and 13th regiments of United States' infantry, made prisoners, had been sent to England, and held in close confinement as British subjects, and that Major General Dearborn had received instructions from his Government to put into close confinement twenty-three British soldiers, to be kept as hostages for the safe-keeping and restoration, on exchange, of the soldiers of the United States, who had been sent, as above stated, to England; and that, in obedience to those instructions, General Dearborn had put twenty-three British soldiers in close confinement, to be kept as hostages;" I have now the honor of acquainting you, that I have received the instructions of His Majesty's Government distinctly to state to you, for the information of the Government of the United States, that I have received the commands of His Royal Highness the Prince Regent, forthwith to put in close confinement forty-six American officers and non-commissioned officers, to be held as hostages for the safe-keeping of the twenty-three British soldiers stated to have been put in close confinement by order of the American Government.

I have been directed at the same time to apprise you, that, if any of the said British soldiers shall suffer death by reason that any of the said soldiers of the United States, now under confinement in England, have been found guilty, and that the known law, not only of Great Britain, but of every independent State, under similar circumstances, has been in consequence executed, that I have been further instructed to select out of the American officers and non-commissioned officers whom I shall have put into confinement, as many as may double the number of the British soldiers who shall have been so unwarrantably put to death, and to cause such officers and non-commissioned officers to suffer death immediately. I have been further instructed by His Majesty's Government to notify to you, for the information of the

Government of the United States, that the commanders of His Majesty's armies and fleets on the coasts of America have received instructions to prosecute the war with unmitigated severity against all cities, towns, and villages, belonging to the United States, and against the inhabitants thereof, if, after this communication shall have been made to you, and a reasonable time given for its being transmitted to the American Government, that Government shall unhappily not be deterred from putting to death any of the soldiers who now are, or who may hereafter be, kept as hostages for the purposes stated in the letter from Major General Dearborn.

I have the honor to be, with great consideration and respect, your Excellency's obedient, humble servant,

GEORGE PREVOST,  
Lt. Gen. and Com'dr of the Forces.

His Exc'y Maj. Gen. WILKINSON.

Extract of a letter from Major General James Wilkinson to Lieutenant General Sir George Prevost.

HEADQUARTERS, GRENADIER ISLAND,  
November 1, 1813.

I yesterday evening had the honor to receive your letter of the 17th past, and shall immediately transmit a copy of it to the Executive of the United States.

I forbear to animadvert on the acts of our superiors, whatever may be their tendency; but you must pardon me for taking exception to an expression in your letter. The Government of the United States cannot be "deterred" by any considerations of life or death, of depredations or conflagration, from the faithful discharge of its duty to the American nation.

OFFICE COMM'Y GEN'L OF PRISONERS,  
WASHINGTON, Nov. 18, 1813.

SIR: This despatch will be delivered or forwarded to you by Major Richard Graham of the army. You will be pleased to deliver to him all the commissioned enemy officers in your charge, belonging to any of their land troops not militia, whether captured on land or on board their vessels. They are to be immediately marched under guard to Frankfort, in Kentucky, and their subsistence money to cease from the time you so deliver them. You are particularly requested, however, to give them all the aid in your power, and to see justice done them in the settlement of their accounts of their boarding houses, and in the delivery of their baggage, &c. You will use the requisite precautions, in concert with Major Graham, to hold up the disclosure of this measure until all the officers designated are secured by him. You will then inform those gentlemen that this measure has been forced on us by the recent treatment of our officers held by the enemy in Canada. I am sir, &c.

J. MASON.

THOMAS STEELE, Esq.,  
Deputy Marshal of Ohio.

*Great Britain—Naturalization.*

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Nov. 23, 1813.

SIR: In order to secure a sufficient number of hostages to answer in their persons for the proper treatment of a certain number of American officers now in possession of the enemy, on whom the British authorities have recently threatened to exercise a severity unknown in civilized warfare, and outraging humanity, I am commanded by the President to instruct you to place forthwith in close confinement all the British commissioned officers of every rank belonging to their land service, now prisoners of war within your district, and safely to hold them until further orders.

By the last returns from your deputy, Mr. Melville, there are supposed to be, as by the annexed list, sixteen persons; but be the number more or less, you will understand the whole are to be embraced by the present order.

The place of confinement is left to your discretion; in making this selection, however, you will endeavor to fix on a town which will offer a sufficient number of safe and decent prison rooms to receive those officers, without inconveniently crowding them; the object being at this time to hold them, with as little suffering on their part as can be done consistent with security against escape, for ultimate measures dependent on the conduct of the enemy; and you are requested, for the better ordering of the first arrangement, to attend in person.

By this same mail an order will be transmitted from the Department of War to General Cushing, commanding at Boston, requiring him to act in concert with you on this occasion, and to furnish a well appointed and adequate guard for the purpose of securing the prisoners in the first instance, moving them to the place of confinement, and there guarding them in prison.

You will at once perceive, sir, that the service now required of you is of an important and delicate nature. The President counts on your zeal and discretion to execute it with promptitude, and such precautions as may be necessary to prevent escapes, which may possibly be attempted by some, although on parole; to which end, you will consult confidentially with General Cushing. Since, immediately on taking them into close custody, their paroles will be suspended, then also must the subsistence money be stopped, and you will make arrangements, in some regular way for supplying, in as comfortable manner as the nature of the case will admit, those unfortunate officers with good, wholesome fare, lodging, firing, &c.; having always regard to the proper economy.

You are particularly requested to make as early a return as possible, after this measure is executed, of the persons confined, descriptive of name, to what corps belonging, rank, place of nativity, last place of residence, &c.

I have the honor to be, sir, your most obedient servant,  
J. MASON.

JAMES PRINCE, Esq.,  
Marshal of Massachusetts.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Nov. 24, 1823.

SIR: Enclosed I send you a copy of a letter addressed to you on the 18th instant,\* under cover to Major Graham.

In order to secure a sufficient number of hostages to answer in their persons for the proper treatment of a certain number of American officers now in possession of the enemy, on whom the British authorities have recently threatened to exercise a severity unknown in civilized warfare, and outraging humanity, I am commanded by the President to instruct you to place forthwith in close confinement, at Frankfort, in your State, all the British officers, of whatever rank, who may be there delivered to you by Major Richard Graham of the army, as contemplated in my letter of the 18th instant; and, for the better making the first arrangements, you are requested to attend in person at the place, at the time Major Graham shall arrive there with the prisoners. Frankfort has been designated as the place of confinement on this occasion, because it was hoped that the authorities of the State would accommodate the Government with rooms in the penitentiary. The Secretary of State has addressed the Governor on the subject. You will be pleased to make application to his Excellency to that end in its behalf, and pray leave of him to occupy in that building as many safe and decent prison rooms as may be sufficient to receive these officers, without inconveniently crowding them; the object being at this time to hold them, with as little suffering on their part as can be done consistent with security against escape, for ultimate measures dependent on the conduct of the enemy.

The requisite guard, duly appropriated, will be furnished you by Major Graham, for guarding the prison. You will make arrangements, in the regular way, for supplying, in as comfortable a manner as the nature of the case will admit, these unfortunate officers with good, wholesome fare, lodging, and firing; having always regard to the proper economy.

You will at once perceive, sir, that the service now requested of you is of an important and delicate nature. The President counts on your zeal and discretion to execute it with promptitude, and with such precautions as may prevent escape. You are particularly requested to make as early a return as possible, after this measure is executed, of the persons confined, descriptive of name, to what corps belonging, rank, place of nativity, last place of residence, &c.

I am, sir, &c.  
J. MASON.  
ROBERT CROCKETT, Esq., Marshal.

Colonel Barclay to the Commissary Gen'l of Prisoners.  
HARLEM, November 26, 1813.

SIR: I have the honor to enclose to you the copy of a letter from his Excellency Lieutenant

\* This letter was a duplicate of that sent to Thomas Steele, Esq., deputy marshal of Ohio.

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General Sir George Prevost, Governor General and commanding His Majesty's forces, on the subject of his having confined forty-six officers and non-commissioned officers, American prisoners of war, in retaliation for twenty-three British prisoners confined in prison in these States, by order of this Government.

If it is the wish of the President or yourself to be possessed of a copy of Earl Bathurst's letter referred to in the enclosed copy, I will send it with pleasure. It has, however, been published in the American newspapers, taken from those published in Canada.

Extract of a letter from Lieutenant General Sir George Prevost to Colonel Thomas Barclay.

MONTREAL, October 27, 1813.

SIR: I have the honor to transmit to you a copy of a despatch I have received from Earl Bathurst, and to acquaint you that, in obedience to the orders of His Majesty's Government therein signified to me, I have placed twenty officers and twenty-six non-commissioned officers of the American army, whose names are enclosed, in close confinement. Three general officers, and twelve other officers of different ranks, according to the list herewith transmitted, still remain at Quebec, on parole; but the remainder of the soldiers and seamen, amounting to about five hundred men, I have thought fit to send to Halifax, not having the means of providing for them during the Winter.

Regretting, as I sincerely do, this necessary act of severity and retaliation, which I have communicated to Major General Wilkinson, I have thought fit to apprise you of it, that you may, should any representation be made to you upon the subject, be enabled to point out to the American Government the cause of it, and the means in its power of relieving those who are suffering from it, by the immediate discharge from confinement of the twenty-three British soldiers, prisoners of war, so unjustly imprisoned.

Extract of a letter from Major General Wilkinson to Lieutenant General Sir George Prevost.

HEADQUARTERS, MALONE, Dec. 3, 1813.

SIR: In my letter to you of the 1st ultimo, I apprized you that your communication of the 17th of October last had been transmitted to the President of the United States; and I have now the honor to lay before you the result.

In a recent communication from the War Department, I am commanded by the President to make known to you, in reply to your letter, and for the information of your Government, that the Government of the United States, adhering unalterably to the principle and purpose declared in the communication of General Dearborn to you, on the subject of the twenty-three American soldiers, prisoners of war, sent to England to be tried as criminals, and the confinement of a like number of British soldiers, prisoners of war, selected to abide the fate of the former, has, in consequence of the step taken by the British Gov-

ernment, as now communicated, ordered forty-six British officers into close confinement, who will be immediately put to death in case of the putting to death of the forty-six American officers and non-commissioned officers ordered into close confinement until it shall be known that the forty-six American officers and non-commissioned officers in question are no longer confined.

I am further commanded by the President to advise you, for the information of your Government, that in the event of any proceedings of the British commanders on our coast against the inhabitants thereof, contrary to the laws of war observed among civilized nations, as threatened in your communication of the 17th of October, the United States will avail themselves of the means in their power for such exemplary retaliations as may produce a return to those legitimate modes of warfare, from which no other consideration than the necessity imposed by the conduct of the enemy could ever induce them to depart.

Extract of a letter from Sir George Prevost, commanding the British forces in Canada, to Major General Wilkinson.

HEADQUARTERS, MONTREAL,  
December 11, 1813.

SIR: I have had the honor to receive your Excellency's despatches of the 3d and 4th instant. In communicating to your Excellency, in my letter of the 17th of October last, the retaliating measure which His Majesty's Government had been compelled to adopt, in consequence of the imprisonment, by Major General Dearborn, of twenty-three British soldiers, as hostages for as many natural born subjects of His Majesty found in the service of the United States in arms against their native country, I had entertained the hope that the American Government would have been induced to abandon a principle not recognised by any of the other civilized nations of the world, and against which, when attempted to be put in practice, they have all invariably resisted.

I regret to find myself disappointed in this just expectation, by the communication made by your Excellency of the determination of your Government unalterably to adhere to the principle and purpose declared in the letter of Major General Dearborn of the 31st of May last, and of its having, in consequence, directed forty-six British officers, prisoners of war, to be closely confined until the forty-six American officers and non-commissioned officers, now closely confined at Quebec as hostages, shall be released.

This step on the part of the Government of the United States leaves me no other alternative but that of directing, and which I have accordingly done, the whole of the American officers (including the general officers) now on their parole in these provinces, to be immediately placed in close confinement; and I have further to acquaint your Excellency, that it is my determination to put into close confinement every Amer-

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ican officer who shall hereafter fall into my power, to the number of forty-six, inclusive of those who had been confined previous to the receipt of your Excellency's letter, and so to keep them confined until I shall receive the further directions of His Majesty's Government on this subject.

Extract of a letter from Major General Wilkinson to Lieutenant General Sir George Prevost, commanding the British forces in Canada, dated

HEADQUARTERS, MALONE, Dec. 20, 1813.

SIR: Your Excellency's letter of the 11th instant reached my outpost, on Chateaugai, the evening of the 18th, and came to my hand yesterday.

I regret the resolution you have adopted in respect to the retaliatory system forced on the Executive of the United States by the resurrection of dormant pretensions which had ceased for a long time to torment mankind, and which (your Excellency will pardon the observation) have not been invariably asserted by the British Government. Several instances might be quoted to support the fact; but I will trespass the remarkable case of the late Major General Charles Lee only on your Excellency's attention, because it is most directly in point. Some time after the capture of that officer by Colonel Harcourt, his exchange was demanded by Congress, and refused by the British commander on the express grounds for which you now contend; in consequence of which, Lieutenant Colonel Campbell, of the seventy-first regiment, and five Hessian field officers, were thrown into ignominious confinement, as hostages for his safety; and here the contest terminated—the British Government yielding its pretensions, and admitting General Lee to be exchanged as an ordinary prisoner of war. But while I deplore the course you have marked out for your conduct, I should fail in courtesy if I did not acknowledge my obligations to you for the candid avowal of your intentions in respect to the American officers who may hereafter fall into your hands, because this avowal will, I flatter myself, constitute their safeguard against imprisonment.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

HARLEM, December 15, 1813.

SIR: I have the honor to enclose you a copy of a letter received yesterday from Lieutenant Colonel Grant, of the militia of Lower Canada, dated from the jail at Worcester; and I have to request you will inform me for whom the nine British officers and the volunteer mentioned therein have been placed in a more than ordinary state of strict retaliatory confinement. I had understood from you, that the officers and men on whom you intended to retaliate for the fifty-nine soldiers sent to England, and the forty-six placed in close confinement, by way of retaliation, by his Excellency Sir George Prevost, were those

at Newport and Chillicothe; and I am certain that the officers now in jail at Worcester, who are a part of the British troops captured by Commodore Chauncey on Lake Ontario, are a part of the British prisoners you promised me should be sent from Salem, in return for the military prisoners now daily expected from Nova Scotia. Why your original plan has been changed, and what British prisoners are intended to be released by you and sent to Halifax for the Americans expected at Salem, are questions to which I entreat your answer. I beg also to be informed on what principles you have directed restrictions, independent of the strictest imprisonment, to be exercised on them; and whether they receive the usual allowance of three shillings sterling per day. These are important questions to be resolved, and admit not of my being kept in suspense.

WORCESTER JAIL, December 6, 1813.

SIR: From the tenor of your letter of the 22d of October, addressed to Lieutenant Colonel Myers, I was led to expect that an arrangement for the mutual exchange of prisoners had been made between the two Governments, by which the British prisoners then in the United States were to be immediately marched to Burlington for that purpose. On application to the deputy marshal at Pittsfield, I was informed that he had received a letter from the Commissary General of Prisoners, instructing him that all prisoners taken after the 5th of October were to be exchanged by the way of Halifax. It was in vain I complained of the unreasonableness of this measure. I was informed that the arrangement was decisive, and that a cartel was expected from Halifax in a short time for that purpose.

Finding that it would be useless to make any further remonstrance, I proceeded to Worcester on my parole, that I might be enabled to take advantage of the opportunity which, I was informed, would shortly offer for my exchange. I have now the honor to inform you that, by an order from the President of the United States, I have, with the undermentioned officers, been placed in close confinement, notwithstanding the assurances which have been so frequently made me of my being exchanged, without any regard to my being a militia officer, and the only instance of the kind which has presented itself during the war, that of a militia officer being even detained in the United States.

Major Vilette, Captain Zehender,  
Lieutenant Decenter, } De Watteville's.  
Lieutenant Manuel, }  
Lieutenant Duval,  
Lieutenant Steele, 89th regiment,  
Lieutenant Carter, royal artillery,  
Mr. Morris, volunteer, royal artillery,  
Dep. Asst. Com. Gen. J. C. Green.

I have the honor to be, sir, your obedient servant.  
C. WM. GRANT,

Lieut. Col. B. M. L. C.

THOMAS BARCLAY, Esq.

*Great Britain—Naturalization.*

HARLEM, December 21, 1813.

SIR: In my letter to you of the 15th current, I stated, in addition to other matters, the more than ordinary severity of the treatment Colonel Grant and the nine other British prisoners, committed to Worcester jail by the Marshal of Massachusetts, experienced. I am since informed that, in order to render their situation still more unpleasant, they have, with the exception of one, been deprived of their servants, who have been marched to Boston or Salem as prisoners; and that their confinement, in every other respect, is the reverse of what gentlemen, even under sentence of death, ought to experience. I hope this treatment and privation have been exercised without the knowledge of the American Government.

The treatment which the American officers in close confinement within His Majesty's colonies receive, is very different, and in every particular as liberal and comfortable as the nature of their imprisonment will permit. In proof of this, I enclose a copy of a letter published some days since in the *Philadelphia Gazette*, purporting to be a letter from a captain in the United States' service, a prisoner in Quebec, to his father. The letter, I consider, bears strong marks of authenticity.

Having stated the treatment that British prisoners in these States, and American prisoners in His Majesty's dominions, both placed in strict confinement on retaliatory principles, receive, it rests with your Government to procure a continuation of the same comforts and conveniences to its prisoners which they now enjoy, by immediately directing that similar indulgences be extended to British subjects in these States under similar circumstances; or to compel His Majesty's Government to direct that the same severity be exercised towards American prisoners which His Majesty's subjects experience under their confinement in these States.

Should your Government, upon this representation, think proper to adopt the former of these alternatives, you will be pleased to return me the enclosed letter. On the contrary, should a continuance of the severity and privation be considered necessary on the part of the United States, permit me to request that you will do me the favor to forward the enclosed letter, by a flag of truce, to his excellency Lieutenant General Sir George Prevost.

A return of the servants to the officers is necessary, or at least in the proportion of one servant to two officers. I am under the necessity of requesting an answer to this.

I have the honor to be, sir, your obedient servant,  
**THOMAS BARCLAY.**  
 General MASON, &c.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

WASHINGTON, December 26, 1813.

SIR: In reply to your inquiries of the 15th instant, relative to Lieutenant Colonel Grant,

and other British officers, confined in the State of Massachusetts, (first reminding you, as you have before been apprized, that it has been uniformly the practice of this Government, in matters of retaliation, to execute the measure intended before any official communication was made,) I have the honor to inform you that these officers have been so placed, to answer, in part, for the safety and proper treatment of the forty-six American officers, commissioned and non-commissioned, confined in the common jail at Quebec, a measure announced as determined on by the letter of the 17th October, from General Sir George Prevost to Major General Wilkinson, the execution of which was made known to me by your letter of the 26th November. Orders have been given for the confinement of other British commissioned officers in Massachusetts and elsewhere, to the number of forty-six, including those named by you, for the same purpose. So soon as the returns shall be received, they will be communicated to you.

The reply to your inquiry, on what principle restrictions have been directed, independent of the strictest imprisonment, to be exercised on your officers, is, that none such have been directed; and as to what you term more than ordinary state of strict retaliatory confinement, since you have not been pleased to furnish me with any evidence of the manner in which our officers have been treated in their jail, it is not in my power to enter now upon that part of the subject. I will assure you, however, that orders were given to show to your officers, whose close confinement has been made necessary by a previous act of your Government, all the mildness, and to afford them all the accommodation consistent with their unfortunate situation; and that the requisite inquiries have been made as to the execution of the intention of this Government. The paroles of these officers having been suspended, in lieu of the three shillings sterling per day, directions were given to supply their tables with good, plain fare, and their rooms with sufficient fuel and comfortable bedding; and, from the character of the marshal in whose custody they are, I cannot doubt that this has been done.

You could never have understood from me, sir, that it was intended to retaliate, at any given place, for the violent conduct of your Government in placing in jail forty-six of our officers at Quebec. This highly offensive and novel procedure was not known in this country at the time you last left the seat of Government, and you will find nothing written from me to that effect. There is no doubt that the British officers now imprisoned at Worcester, in Massachusetts, to whom you allude, make part of the troops I proposed should have been sent to Halifax, by return of the British cartel which you engaged should bring over to Salem, from that place, such of our land troops as had been carried there from Quebec; nor is there less doubt that the forty-six American officers, a list of whom you have furnished me in your letter of the 26th November, are part of the American prisoner troops you en-



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gaged with me should be immediately released from Canada; the soldiers and non-commissioned officers to be delivered on the lines, and the commissioned officers to be paroled, to return directly on the reception of your despatches by your commanding officer in Canada, in return for a like number to be released to you; with which arrangement your commanding General in Canada has refused to comply, even as to those he yet holds there, uninterfered with by retaliatory measures. When your cartel shall arrive from Halifax with American prisoners, I shall have from the adjacent depots a corresponding number of British prisoners to be returned by her. But in the uncertainty of a disposition according with your arrangements, as evinced by the late experiment in Canada, it is certainly best for your prisoners, and most prudent on my part, that they should not be removed until we are more certainly informed of the coming of our prisoners.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Dec. 26, 1813.

SIR: In your letter of the 26th ultimo, transmitting copy of a letter from Sir George Prevost of the 27th October, and a list of forty-six American officers confined in jail at Quebec, you offer to furnish, if desired, a copy of a letter from Earl Bathurst to Sir George Prevost; as that paper forms part of the documents in the case to which your communication has reference, I will thank you to send it to me.

Returns of all the prisoners, confined in retaliation in this country, shall be sent you as soon as they can be made complete. I have, &c.

J. MASON.

Col. THOMAS BARCLAY, &c.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Dec. 29, 1813.

SIR: In answer to your letter of the 21st inst., I beg leave to assure you, that it is very far from the intention of this Government, or the desire of any of its officers charged with that painful service, to cause to be felt by British officers confined in retaliation for the American officers put in jail in Quebec, more inconvenience than has been made necessary by the conduct of the enemy in regard to our officers, on whose account they are so held.

Before you advanced such a declaration as the following: "I am since informed that, in order to render their situation still more unpleasant, they have, with the exception of one, been deprived of their servants, who have been marched to Boston, or Salem, as prisoners; and that their confinement, in every other respect, is the reverse of what gentlemen, even under the sentence of death, ought to experience. I hope this treatment and privation have been exercised without the knowledge of the American Government;" it is to be regretted that you had not taken pains to have been better informed. The unfortunate situation of these gentlemen is sincerely to be lamented; when confined in a jail, however, you

must see the impossibility of making them as comfortable as, from their habits and rank in life, would be otherwise desirable. But that they have been treated with unnecessary severity is positively denied, as having been in any degree directed or countenanced by the Government, nor is it believed as practised by the officer in whose charge they are. You might, sir, at least, on this occasion, have refrained from attributing unworthy motives. If their servants have been withdrawn, they shall be restored so soon as it is ascertained that our officers, closely confined, receive that accommodation. It is the intention of this Government to make their situation in every respect similar to that of our officers held in prison, and, to that end, we shall be very glad to receive from you any information you may be able to communicate; but you must permit me, sir, to say, that we cannot take the anonymous newspaper paragraphs you have sent for authority on that subject.

You will remark, sir, by the documents sent you in my letter of yesterday, that Colonel Gardner, our agent at Quebec, has been refused permission to visit them; he may, therefore, not have been able to give me any information about their situation. I have the honor to be, &c.

J. MASON.

Col. THOMAS BARCLAY, &c.

I, Timothy Whiting, of Lancaster, in the county of Worcester, do testify and say, that being at Worcester on the day of the commitment of the British officers, (meaning those who had been at Worcester on parole,) I heard the marshal direct Doctor Lincoln (his reputed agent for taking care of prisoners) to be particularly careful, and see that they were treated with great humanity, and well provided with good and wholesome provisions, bedding, &c. The marshal appeared very solicitous that the humanity of the United States should not suffer from any neglect in this respect; and he observed to Doctor Lincoln, that by the cartel three shillings sterling per day was allowed to each gentleman for subsistence, and he presumed there would be no objection to his allowing to the extent of four dollars per week; that it was not intended that these officers should be served with prison beds, as, for this additional sum, the jailor would provide good, comfortable beds for them. This was fully acquiesced in by Doctor Lincoln and myself, and our official situation, as county officers connected with the jail, enabled us to know, and to state to the marshal, that it was in the power of the jailor to furnish as good bedding as is generally found in the best public houses in Worcester, and we had no doubt of the jailor's humane disposition. These observations were made to the marshal, from the solicitude he discovered to have the officers treated with all the kindness and attention which, he said, he thought was due to men so peculiarly situated as these officers were, and which could be done consistent with their safe-keeping.

TIMOTHY WHITING.

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LANCASTER, Jan. 24, 1814.

WORCESTER, ss.

Then Timothy Whiting, Esq., personally appeared, and made solemn oath to the above deposition by him subscribed.

Before me, **JOSIAH FLAGG,**  
*Justice of the Peace.*

Extract of a letter from Colonel Barclay to the Commissary General of Prisoners.

JANUARY 6, 1814.

Agreeably to your request of the 26th ultimo, I enclose a copy of Earl Bathurst's letter to Lieutenant General Sir George Prevost of the 12th of August.

DOWNING STREET, Aug. 12, 1813.

SIR: I have had the honor of receiving your despatch No. 66, of the 6th June, enclosing a letter addressed to your Excellency by Major General Dearborn. In this letter it is stated that the American Commissary of Prisoners in London had made it known to his Government, that twenty-three soldiers, of the first, sixth, and thirteenth regiments United States' infantry, made prisoners, had been sent to England, and held in close confinement as British subjects; and that Major General Dearborn had received instructions from his Government to put into close confinement twenty-three British soldiers, to be kept as hostages for the safe-keeping and restoration, in exchange, of the soldiers of the United States who had been sent, as above stated, to England; and General Dearborn apprizes you, that, in obedience to those instructions, he had put twenty-three British soldiers in close confinement, to be kept as hostages.

The persons referred to in this letter were soldiers serving in the American army, taken prisoners at Queenstown, and sent home by you, that they might be disposed of according to the pleasure of His Royal Highness the Prince Regent, they having declared themselves to be British born subjects. Your Excellency has been directed to send home the necessary evidence upon this point, and they are held in custody to undergo a legal trial.

You will lose no time in communicating to Major General Dearborn that you have transmitted home a copy of his letter to you, and that you are, in consequence, instructed distinctly to state to him that you have received the commands of His Royal Highness the Prince Regent forthwith to put in close confinement forty-six American officers and non-commissioned officers, to be held as hostages for the safe-keeping of the twenty-three British soldiers stated to have been put in close confinement by order of the American Government; and you will, at the same time, apprise him that, if any of the said British soldiers shall suffer death, by reason that the soldiers now under confinement here have been found guilty, and that the known law, not only of Great Britain, but of every independent State, under similar circumstances, has been in consequence exe-

cuted, you have been instructed to select out of the American officers and non-commissioned officers, whom you shall have put into close confinement, as many as may double the number of British soldiers who shall have been so unwarrantably put to death, and cause such officers and non-commissioned officers to suffer death immediately.

And you are further instructed to notify to Major General Dearborn, that the commanders of His Majesty's armies and fleets on the coasts of America have received instructions to prosecute the war with unmitigated severity against all cities, towns, and villages, belonging to the United States, and against the inhabitants thereof, if, after this communication shall have been duly made to Major General Dearborn, and a reasonable time given for its being transmitted to the American Government, that Government shall unhappily not be deterred from putting to death any of the soldiers who now are, or who may hereafter be, kept as hostages, for the purposes stated in the letter from Major General Dearborn.

I have the honor to be, &c.

BATHURST.

To Sir GEORGE PREVOST, *Bart. &c.*

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay.

WASHINGTON, Jan. 26, 1814.

SIR: I have the honor to enclose you extracts of letters lately received from Colonel Gardner, American agent for prisoners in Canada, to wit: one of the 25th of November and 17th of December, and a copy of a letter from him of the 10th of December, accompanied by copies of a correspondence between him and General Glasgow, to say, of the 8th and 9th of December from Colonel Gardner, and of the 9th and 10th from General Glasgow.

By these you will perceive that now the American agent is barred altogether from visiting any prisoner in confinement, and that when he is permitted even to go into the lower town of Quebec, where no prisoners are held, to purchase any articles or transact any business for them, he is guarded and restricted to a few hours.

In consequence of the last paragraph of the letter from Colonel Gardner of the 17th of December, and the relaxation of the commanding officer in Canada, towards some of our officers, I have with pleasure found myself enabled to ameliorate, in a degree, the situation of your officers of corresponding rank. I have instructed the Marshal of Kentucky to offer to the British field officers now confined at Frankfort a parole, restricting them to such houses and their premises as they can most conveniently be located in; in this order I have included Majors Chambers and Muir, understanding that they are majors by brevet, and Captain Crowther, because he has his family with him; to his lady and two small children, who, I understand, compose his family, I have directed to be paid subsistence equal to one and a half of the sum of the allowance to officers of the rank

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of her husband, to wit: at the rate of four shillings and sixpence sterling per day.

I enclose you a list of all the officers now confined in the State of Kentucky; so soon as I can receive the reports from the other marshals, they shall be furnished.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners.

JANUARY 27, 1814.

I am directed to acquaint you that, if it is the wish of your Government to release the whole or a part of the officers and men now in confinement on retaliatory measures, on its releasing British prisoners so confined, a similar number of American prisoners under the same kind of confinement, and of the same rank, shall be forthwith released in Canada and Nova Scotia, and be succeeded by an immediate exchange.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay.

FEBRUARY 3, 1814.

In your letter of the 27th of January, you state that you are directed to acquaint me, that if it is the wish of this Government to release the whole or a part of the officers and men now in confinement on retaliatory measures, on the release of British prisoners so confined, a similar number of American prisoners under the same kind of confinement, and of the same rank, shall be forthwith released in Canada and Nova Scotia.

If you mean that all officers and men, prisoners of war, on either side, who have been confined in retaliation, or for whose confinement measures of retaliation have been resorted to, shall now be released by both Governments, your proposition will be promptly assented to; or if it is meant that leaving in each case which has occurred, those who constituted the first step of rigorous confinement on each side, to stand the one designation against the other, and to release all others held in retaliation by either nation, it will be as readily agreed to, and stipulated that exchanges for those so released, according to rank and equivalent, shall immediately follow.

If I have understood you correctly as to either mode of proceeding on this important subject, I am instructed, sir, to inform you that this Government will enter with the least possible delay on such arrangements as may be found best calculated to relieve the sufferings of the unfortunate persons implicated on both sides.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

FEBRUARY 10, 1814.

Your letter of the 4th instant I have received. I had hoped I had expressed myself with so much perspicuity in my letter of the 27th of January, that my meaning would have been perfectly understood by you.

If you will examine that letter, you will find

the proposal therein contained to relate to a general exchange of all the prisoners of war, including those under confinement on retaliatory principles. In answer to your question, whether it was intended to include in my proposal to you "those for whose confinement measures of retaliation have been resorted to," I beg leave to say it was not.

With respect to characters of that description, I have no authority to make any proposition.

Extract of a letter from the Commissary General of Prisoners to Thomas Steele, Esq., Deputy Marshal of Ohio, dated

WASHINGTON, Jan. 29, 1814.

It has become necessary, in order to meet by corresponding measures the treatment used by the enemy towards our officers in their power, to confine all British officers remaining in your custody.

I enclose you a despatch from the Department of War to Lieutenant Colonel Campbell, commanding officer at Chillicothe, requesting him to furnish an officer and guard to conduct safely to Kentucky such of the British officers as you may deliver him. You will keep the contents of this despatch entirely to yourself, until you see and deliver the despatch to Colonel Campbell, and you will consult confidentially with him as to the measures to be taken to secure all the officers before any alarm is excited, in order to prevent escapes.

By your last returns it appears that you held, of the army, two cadets; of the navy, five lieutenants, two masters, three midshipmen, and six masters' mates.

These and other officers or cadets of the British army or navy you may hold, of rank not lower than those designated, if I should have mistaken your returns, are by order of the President immediately to be placed in close confinement, and delivered to Colonel Campbell, to be conducted to Frankfort, in Kentucky, there to be delivered to the Marshal of that State.

You will be pleased, as requested in the former order on a similar occasion, to conduct this procedure with all the humanity and tenderness the case may be susceptible of, guarding always against risk of escape; and you will pay all the officers up the arrearages due to the time that the paroles are suspended, and see every justice done them in settling their accounts, &c., with the inhabitants.

Extract of a letter from the Commissary General of Prisoners to the Marshal of Massachusetts, dated

FEBRUARY 8, 1814.

The British authorities at Quebec and Halifax having thought proper to confine closely a number of officers, (over and above the forty-six first confined at Quebec,) on plea of retaliation for their officers confined in the United States, to be held for the safety and proper treatment of these, I am commanded by the President to instruct

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you to confine closely at Pittsfield, and to place under military guard all the officers British prisoners who may have been returned by your deputy, Major Melville, from Burlington, Vermont, to the State of Massachusetts, a list of whose names was forwarded you yesterday, presumed in number to be nineteen or twenty. You will be pleased, as in similar cases, and as heretofore recommended, to inform the officers the cause of their confinement, and to do all that may depend on you to make their situation as comfortable as possible consistent with safety against escape.

Extract of a letter from the Commissary General of Prisoners to James Prince, Esq., Marshal of Massachusetts, dated

FEBRUARY 22, 1814.

In mine of the 11th I requested my order, as to the confinement of the officers to be returned from Burlington to Cheshire, to be suspended. I have before me yours of the 14th, informing me of the prompt measures you had taken to execute my order of the 8th; as I had advised Major Melville by the same mail of my intentions to suspend the order for a few days, it is probable they were not executed; but be this as it may, I have now, by command of the President, to require you to deliver over to Major Sizer, to be conducted by such route as he may prefer, avoiding always any military work or maritime city, to be conducted to the city of Philadelphia, and there to deliver to the Marshal of Pennsylvania, who will be apprized of their coming, all the British prisoner officers in your custody, whether heretofore confined or not, with the exception of the field officers, who I understood to be Colonel Grant, Major Villette, and Major Joseph Powell; to these you will offer the form of specific parole as hostages, sent you in my letter of the 29th of January; and, if accepted, take one from each, and assign them to some particular house and premises in the town of Cheshire; if not accepted, arrest either of them not so accepting, and send him on to Philadelphia with the other officers.

The officers I understand thus, under this order, to be sent on to Philadelphia or paroled, will be the seven returned in your list of the 14th instant.

Four returned in Major Melville's list of the 24th of December, confined at Lenox.

Nineteen returned in Major Melville's list of the 29th of January, as sent from Burlington.

Two naval officers, shown in your late returns, on parole, viz: Lieutenant Carpenter and one midshipman.

It is not meant, however, by this designation, to exclude any others of similar description I may have overlooked. Captain James S. Tyeth, intended to have been confined at Lenox with the other four, was reported by Major Melville to be in too bad a state of health to be in confinement; if he still remains so, he may remain at Cheshire on ordinary parole.

JOHN MASON.

J. PRINCE, *Marshal, &c.*

Extract of a letter from the Commissary General of Prisoners to John Smith, Esq., Marshal of Pennsylvania, dated

FEBRUARY 23, 1814.

SIR: The conduct of the enemy in confining many of our officers prisoners in their hands on the plea of retaliation for certain hostages designated and confined in the United States, to answer for the proper treatment and safety of a like number of American prisoner soldiers, separated from their fellow prisoners, and sent to England for trial, has imposed upon the Government the necessity of confining British officers in our power, equal in number, to be held responsible for every improper treatment of the enemy towards our officers.

I am commanded by the President to require that you will, immediately after the reception of this letter, suspend the paroles of, and place in close confinement, all the British commissioned officers of the army or navy, or midshipmen, or masters, or master's mates in the navy now in your custody within the State of Pennsylvania, not suffering from wounds or sickness, except Lieutenant Lovesay of the Jaseur, reported in yours of the 17th January, who happens to stand for the present in a peculiar situation: there are presumed to be three at Pittsburg, and a few at Lancaster, the number not precisely known; but be they more or less, this measure is to reach them all, except the Lieutenant before mentioned, as the numbers now within your State, in addition to those directed to be confined in other States, will not exceed that which is now required by the circumstances of the case.

You will, sir, so conduct the procedure on your part, that no knowledge of the intention of the Government on this subject shall be given until, at each place where there may be such officers in your State, the arrest is ready, under proper precautions to be made, and the persons of the British officers secured. In order that escapes may be effectually guarded against, those who may be at Pittsburg you will instruct your deputy to hold in confinement there; those at Lancaster, or any place not more distant, you will remove under a sufficient guard, in carriages, to Philadelphia, and confine them in that city.

So soon as the arrest takes place, the parole being suspended, the subsistence money is also suspended; and you will provide the officers in each case with comfortable plain fare, suitable to their ranks in life, for subsistence; and you will direct at Pittsburg, and provide in Philadelphia, in the places destined for their confinement, on the best terms you can, comfortable rooms, with stoves or fire-places, and such beds and furniture as will be convenient and proper, so as they may not be too crowded, to be conveniently subsisted; and you will allow to each field officer (if any) one servant to each, and to each four others one servant each; the servants to be taken from the prisoner soldiers, or paid by the officers; to be confined, however, in the walls of the jail, and to have no intercourse with without. You will allow to the officers the means, through proper

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channels, of sending out to procure anything of a proper nature for their use, and the use of books, pen, ink, and paper, &c.; but you will permit no person to see or converse with them but in the presence of yourself or one of your officers, and will allow no written paper or letters to pass to or from them, unless first inspected; and you will take particular care that nothing is introduced by them, or conveyed to them, that may facilitate escape.

You will, having thus taken every possible means to prevent escape, do all that may depend on you to make the situation of these unfortunate officers as comfortable as the nature of the case will admit, and treat them with as much tenderness and humanity as possible; and you are requested to explain to them the cause of their confinement, to inform them that the Government has reluctantly taken such steps, forced on it by the conduct of the enemy in regard to our officers held by them.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Feb. 28, 1814.

SIR: When I returned you, on the 26th of January, a list of British officers confined in Kentucky, because of the attempt to escape made by several of those who had been confined in Massachusetts, I was not able to ascertain, by any report I then had, with sufficient precision, the number and names of those held there. I have now the honor to enclose you a return of thirty-nine British officers, originally confined in retaliation, in part, for the forty-six American officers and non-commissioned officers imprisoned in October last at Quebec; of these, four have effected their escape, as shown at foot, and four other British officers have been ordered into confinement to replace them; of the remaining thirty-five, twenty-four were confined in Kentucky, and eleven in Massachusetts, as pointed out in the list. You will be pleased to remark, that this list includes the one sent you on the 26th January, and contains, so far as that went, the same names.

At the time of the act of your Government at Quebec which produced this step of retaliation on our part, twenty-odd British officers had been, as I have before informed you, advanced to Burlington, towards the completion, on our part, of the engagement entered into with you last Fall. Desirous, under these circumstances, when it was made known that some of our officers remained uninterfered with at Quebec, by the rigid measures adopted by Sir George Prevost, that some of our prisoner soldiers also were yet there, over and above those shipped off to England or to Halifax, to leave the British officers so advanced on parole, (and in what was thought would be the most acceptable situation,) to be offered in exchange against the American officers then on parole at Quebec, it was determined, although the number designated at that time, in retaliation for the forty-six American officers confined at Quebec, was short of the numbers required here, and that the British officers sent to Burlington pre-

sented themselves as the most proper persons from whom to make the selection of the number yet requisite, in the spirit of conciliation, to save them untouched by the retaliatory system, until they should have been so offered in exchange. This having been done, with a full explanation to Sir George Prevost, and rejected by him, and it having been ascertained that both at Quebec and Halifax, a second series of American officers had been confined, amounting in number to at least forty-six, orders have been given in Massachusetts, Pennsylvania, and Ohio, to confine an additional number of British officers, including those who had been sent to Burlington, in order to complete (with the deficit in the list now sent, against the forty-six arrested by your officers) the whole number of ninety-two, in the hope the authorities of your Government did not persist in holding in confinement with those first arrested to a greater amount.

On this subject I want information, and will thank you to inform me particularly what has been the course taken by your officers at Quebec and Halifax. I am advised by Colonel Gardner at Quebec, that, in the second step taken there in relation to our officers, ten were confined at Quebec. I am without any precise information whereby to be governed at this time.

By the letter from your agent for prisoners, of the 20th December, which you sent me, I find that all the American officers, military, naval, and of private maritime service, to the number of seventy-two, had been confined, and that it was intended to go on to arrest, to make up the number of ninety-two; that afterwards, so many of these as came over in the *Anlostan*, and Lieutenant Budd, were released. In another part of the same letter it is stated that forty-one American officers remained confined on board the ship *Malabar*. Mr. Mitchell, our agent at Halifax was so ill at his house in the country, where he had been confined for a considerable time, that in his short letters of the last of January, by the *Bostock* cartel, he merely refers to a general list sent him by Mr. Miller, of the prisoners at Halifax, by which I am at a loss to understand whether there were thirty-one or forty-seven American officers at that time in confinement at Halifax.

So soon as the returns, under the last orders for confinement of British officers in retaliation, for those long ago confined at Quebec and Halifax, are received, they shall be communicated to you.

I have the honor to be, sir, your most obedient servant,  
J. MASON.

Col. THOMAS BARCLAY, &c.

BLADENSBURG, March 10, 1814.

SIR: Agreeably to the request contained in your letter of the 28th of last month, I enclose you a copy of Lieutenant Miller's letter to me on the subject of American officers in close confinement at Halifax, with a list of their names—seventeen military and fourteen maritime officers. These I believe to be the whole in close confinement a

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Halifax. Also, a list of twenty officers and twenty-six non-commissioned officers, American prisoners, confined at Quebec. This is the only list of officers confined at Quebec in my possession.

THOMAS BARCLAY.

General MASON, &c.

D.

H. M. SHIP POICTIERS, *May 8, 1813.*

SIR: I am sorry I am under the necessity of detaining John Stevens and John King, late of the Vixen, in consequence of their being British subjects.

I am, sir, &c.

J. P. BERESFORD.

To Lieutenant DRAYTON.

NAVY DEPARTMENT, *May 17, 1813.*

SIR: You are authorized and instructed to address a letter to Admiral Sir John Borlase Warren, representing the following facts and determination, viz: that a part of the officers and crew of the late United States' brig Vixen were returning from Jamaica on parole as prisoners of war, and entering the Delaware, when Commodore Beresford caused them to be brought on board the Poictiers, and detained until a part of the crew of that ship, whom he demanded in exchange, were sent down from Philadelphia; that ultimately he detained John Stevens, carpenter, and Thomas King, seaman, two of the aforesaid crew of the Vixen, on the plea of their being British subjects as appears by a letter from Commodore Beresford to Lieutenant Drayton, late first of the said brig Vixen; and that you are commanded explicitly to declare that, in retaliation for the violent and unjust detention of the said John Stevens and Thomas King, the Government of the United States will immediately cause four British subjects to be selected and held in duress, subject to the same treatment, in all respects, that the said John Stevens and Thomas King may receive during their detention.

On the receipt of the Admiral's answer, you will communicate the same to me without delay.

I am, respectfully, &c.

W. JONES.

CHARLES STEWART, Esq.,

*Commanding naval officer, Norfolk Va.*

U. S. FRIGATE CONSTELLATION,  
OFF NORFOLK, *May 20, 1813.*

SIR: I have the honor to represent to your Excellency that a part of the officers and crew of the late United States' brig Vixen, returning from Jamaica on parole as prisoners of war, were, on entering the Delaware, taken out of the flag of truce by Commodore Beresford, commanding on that station, and detained until a part of the crew of the Poictiers, then prisoners at Philadelphia, were demanded by him and sent down in exchange; that ultimately he detained on board the Poictiers John Stevens, carpenter, and Thomas King, seaman, late of the United States' brig Vixen, on plea of their being subjects of His Britannic Majesty.

This violation of the rights of prisoners on parole is so contrary to the usage of civilized nations, that I trust your Excellency will give such instructions upon that head as will prevent a similar violation in future.

I have it in command from my Government to state to your Excellency, that, in retaliation for so violent and unjust a procedure on the part of Commodore Beresford, in detaining the above Mr. John Stevens and Thomas King, four subjects of His Britannic Majesty will be immediately selected and held in duress, subject to the same treatment, in all respects, which may be shown towards the aforesaid two persons during their detention. I hope your Excellency will give this subject your earliest attention, and direct the release of Mr. Stevens and Thomas King, who have been so improperly detained on board the Poictiers.

I have the honor to be, &c.

CHARLES STEWART,

*Commanding officer of the U. S.  
naval forces at Norfolk.*

Rt. Hon. SIR JOHN WARREN,

*Admiral of the Blue, &c.*

H. B. M. SHIP MARLBOROUGH,  
IN LYNNHAVEN BAY, *May 21, 1813.*

SIR: In the absence of Sir John Warren, I have the honor to acknowledge the receipt of your letter under date of the 20th current, complaining of the conduct of Commodore Beresford towards some American prisoners of war returning to Philadelphia on parole, and of his having detained on board the Poictiers Mr. John Stevens and Thomas King.

No report of these circumstances has yet reached Sir John Warren or myself from Commodore Beresford, but I have no hesitation in assuring you, sir, that every inquiry would have been made into them, and every satisfaction and explanation thereon, which the case might have required, would have been offered to your Government and myself, with the least possible delay, had it not been for the threat with which your representation on this subject is accompanied; the tenor of which being likely to produce an entire change in the aspect of our communications, and particularly in what relates to individuals whom the fate of war has placed within the power of our respective nations, it totally precludes the possibility of my now entering further into the subject than to assure you your letter shall be transmitted to the right honorable the Commander-in-chief by the earliest opportunity; and whenever his answer arrives, it shall be forwarded to you without delay. I have the the honor to be, &c.

G. COCKBURN.

CAPTAIN STEWART, &c.

OFFICE COMM'Y GEN'L OF PRISONERS,  
WASHINGTON *May 28, 1814.*

SIR: The President has ordered that four British subjects be designated as hostages for the



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safety of John Stevens, carpenter, and Thomas King, seaman, late of the United States' brig Vixen, prisoners of war, and returning on parole from Jamaica, violently detained, in the beginning of this month, when entering the Delaware, by Commodore Beresford, on the plea of their being British subjects.

You will, immediately on reception of this letter, select, by lot, from among the British prisoners of war in your custody, and belonging to King's ships, (taking special care to avoid the ten men of the *Guerriere's* crew lately released by you,) four men, two carpenters, or of the rank of carpenter as near as may be, and two seamen; place them in duress, and hold them in close confinement, subject, by future orders, to the same treatment, in all respects, that the said John Stevens and Thomas King may receive during their detention.

So soon as you have made the selection, you are required, by an early communication, to give me the names and description of the hostages, and of their place of confinement.

I have the honor to be, &c.

J. MASON.

JAMES PRINCE, Esq.,  
*Marshal of Massachusetts.*

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON June, 10, 1813.

SIR: I have the honor to transmit the copy of a letter from Captain Stewart, commanding the United States' naval forces at Norfolk, dated the 20th of May, to Admiral Warren, and that of a letter from Rear Admiral Cockburn, dated 21st of May, in reply, relative to a most unjustifiable act of Commodore Beresford, as to part of the officers and crew of the late United States' brig Vixen, at the mouth of the Delaware. Leaving the general question of the interference of Commodore Beresford with these prisoners of war returning on parole, and the exaction made by him in consequence of the irregular power thus assumed, on the ground on which Captain Stewart has very properly placed it, I will remark that Captain Stewart was certainly misapprehended by Admiral Cockburn, in attributing to him the intention of conveying a threat as to the final detention of two of the American prisoners. On the contrary, the expression used by Captain Stewart communicates, in very plain terms, the decision of this Government, then already made, that four of His Britannic Majesty's subjects should be immediately selected and held in duress, subject to the same treatment, in all respects, &c. And I have now to inform you, sir, that, in virtue of this decision, and by an order from this office, the Marshal of Massachusetts has designated, and placed in close confinement, William Kitto, carpenter, and Henry Beddingfield, boatswain, of the late British packet *Swallow*, and John Squirrel and James Russell, seamen, of the *Dragon* 74, subjects of His Britannic Majesty, to be held responsible for the safety of John Stevens, carpenter, and Thomas King, sea-

man, part of the crew of the late United States' brig Vixen.

I flatter myself, sir, that this subject will command your early attention, and that you will cause the officer and seaman of the Vixen to be immediately released and returned to this country, according to their destination when taken from the cartel. I have the honor to be, &c.

J. MASON.

Colonel THOMAS BARCLAY, &c.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

JUNE 15, 1813.

The subject of your letter of the 10th (the detention of King and Stevens by Commodore Beresford) is a matter not committed to me by my Government. It is of the first consequence, and on which the two nations have long entertained very different opinions. Although in ordinary cases of American prisoners of war arriving from British ports to these States, wherein either the whole or a part of them may have been detained by the commander of one of His Majesty's ships of war, it would be my duty to request information why the prisoners were detained, still, in the present instance, as your letter to me, and Captain Stewart's letter to his Excellency Sir John Borlase Warren, whereof you have sent me a copy, develop the cause of detention, I cannot interfere without going into the merits; in doing which either Admiral Sir John B. Warren or Commodore Beresford might with propriety question my authority.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

AUGUST 25, 1813.

I have the honor to inform you that I yesterday directed the Marshal of Massachusetts to restore to the ordinary state of prisoners John Squirrel and James Russell, seamen, late of the British 74 gun ship *Dragon*, held, as I informed you in my letter of the 18th of June, to answer for the safety and proper treatment in the hands of the enemy of Thomas King, seaman, of the United States' late brig Vixen. King having lately made his escape from confinement in Bermuda, and, at the imminent risk of his life, arrived alone in an open boat on our coast, and reported himself to his officers, although he was not released, it has been determined, for the sake of humanity, not to regard the manner in which he has been restored to his country, and to relieve at once from anxiety and rigid confinement the two British seamen so held on his account.

E.

NAVY YARD, CHARLESTOWN,

June 3, 1813.

SIR: I have the honor to enclose to you a deposition respecting the inhuman treatment which Mr. Nichols, late commander of the private armed ship *Decatur*, belonging to Newburyport, has received from the British Government at Barba-

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does. I have been credibly informed that Captain Nichols is a very respectable and correct man; therefore, a fair presumption that he has not committed himself in such a manner as ought to deprive him of the established rights of a prisoner of war. Any measure which the Government of our country may see proper to adopt in consequence of this determination, I shall readily attend to. I have the honor to be, &c.

WM. BAINBRIDGE.

Hon. WILLIAM JONES, *Sec'y Navy*.

I, James Foot, of Newburyport, in the county of Essex and Commonwealth of Massachusetts, mariner, testify and depose that I was a prize-master on board the private armed brigantine Decatur, of Newburyport, in her late cruise, William Nichols, commander; that, on the 18th day of January now last past, the said brigantine was captured by His Britannic Majesty's frigate Surprise, commanded by Captain Cochrane, and carried into Barbadoes. After our arrival in Barbadoes, Captain Nichols, with the other officers of the Decatur, were paroled. About two months after our arrival, His Britannic Majesty's frigate Vesta arrived in Barbadoes, and, through the influence of the commander of the Vesta, Captain Nichols, without any known or pretended cause, was arrested and held in close confinement, without liberty to speak to any of his officers, or any other American. The place where Captain Nichols was confined was about four feet in width, and seven feet in length, on board a prison ship, where he remained for thirty-four days, as nearly as I can recollect, and was then taken on board His Majesty's ship Tribune, and carried to England. What the cause of the unwarrantable and unjustifiable conduct of the enemy towards Captain Nichols was, I am unable to state. There were several reports in circulation; one was, that he was to be carried to England and held a prisoner until the release of certain men in France from whom Captain Nichols recaptured his vessel, which had been taken by the British before the commencement of the present war between the two countries. Another report was, that he was to be held until the close of the war, on account of his having been active against the enemy since the commencement of hostilities, and having been fortunate in a former cruise.

JAMES FOOT.

COMMONWEALTH OF MASSACHUSETTS,

ESSEX, ss:

On this thirty-first day of May, in the year of our Lord one thousand eight hundred and thirteen, personally appeared James Foot, the subscriber to the foregoing deposition, and made solemn oath that the same is true.

JACOB GERRISH, J. P.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, June 21, 1813.

SIR: Immediately on reception of this letter, you are requested and instructed, by command of the President, to designate two masters of pri-

vate armed ships, or of merchantmen, British subjects, and prisoners of war, the first in preference, if you or the Marshal of Maine have such in your charge, to place them in close confinement, and to hold them for further orders from this office, to answer for the safety and proper treatment of Captain William Nichols, late master of the private armed brigantine Decatur, of Newburyport, who was, when a prisoner, paroled at Barbadoes last Spring, unjustifiably and inhumanly confined on board a prison-ship at that place for more than a month, and then sent to England, in similar confinement, aboard one of the enemy's armed ships.

I shall write to the Marshal of Maine, and request him, if necessary, to act in conjunction with you on the subject.

You will be pleased to communicate this letter to Commodore Bainbridge, who has been good enough to interest himself in this matter of national feeling and justice, and to concert with him the proper measures; and, so soon as the order is executed, to give me the names, description, and places of confinement of the two persons designated. If there be more than two of the proper character from whom to designate, the designation should be made by lot.

I have the honor to be, &c.

J. MASON.

JAMES PRINCE, Esq.,  
*Marshal of Massachusetts.*

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

JULY 3, 1813.

I beg leave to assure you that I shall at all times consider it my duty to give you the earliest information in my power of the detention or confinement of any of the officers of the United States' Army and Navy, private armed vessels or merchantmen, with the reasons, as far as comes to my knowledge. I hope to receive the same treatment from you in similar cases.

The New York Gazette of this day states, under the Portland head, that Joseph Barss, captain of the late British privateer schooner Liverpool Packet, had been ordered into close confinement in Portland, on the 28th ultimo, by order of your Government, and it is said as retaliatory for the treatment by the British of Captain Nichols, of the Decatur, of Newburyport.

I request you will communicate to me such facts as you can reveal consistent with your duty on this subject.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay.

JULY 8, 1813.

On the 21st of June I gave directions to the Marshal of Massachusetts to execute a retaliatory order from this Government, (which, I presume, is the one to which you allude in your letter of the 3d instant,) with intention, as soon as his return was received, to give you information there-

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of, as was done on a late occasion of a similar kind. That return has not yet been received; so soon as it is, you may be assured that you shall hear from me on the subject.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners.

JULY 27, 1813.

On the 3d instant I informed you the New York Gazette stated that Captain Joseph Barss, of the Liverpool Packet privateer, a British prisoner of war, on parole in Massachusetts, had been, by order of this Government, put in prison, retaliatory for treatment which Captain Nichols, of the American privateer Decatur, received in some part of His Majesty's dominions; and as I was totally ignorant of the cause, either of Captain Nichols's confinement or of Captain Barss's imprisonment, save what the Gazette expressed, I requested you to communicate to me such facts as were consistent with your duty to reveal.

On the 8th of this month I received your answer, in the words following: "On the 21st of June I gave directions to the Marshal of Massachusetts to execute a retaliatory order from this Government, (which, I presume, is the one to which you allude in your letter of the 3d instant,) with intention, as soon as his return was received, to give you information thereof. That return has not yet been received; as soon as it is, you may be assured that you shall hear from me on the subject."

I have not since heard further from you on this subject. On inquiry, I learn the following particulars respecting Captain Nichols: Previous to the present war between Great Britain and the United States, Captain Nichols commanded the American brig *Alert*, and, on his voyage to France, was detained by a British ship of war, and an officer and men put on board the *Alert*, with orders to carry her into a British port for adjudication; that, soon after, Captain Nichols and the men of the *Alert* rose on the British officer and seamen, regained the command of the *Alert*, and compelled the officer and British seamen to go into a small boat of the *Alert*, and turned them adrift at sea. Captain Nichols then pursued his voyage to France; before he made the land, he was, however, again met by the same British ship of war, and not being able or willing to give a correct account of the officer and men originally put on board his brig, he was sent to England as a prisoner for trial, under the suspicion of his having murdered, or otherwise made away with them; previous to his trial he effected his escape. A proclamation was issued for his being apprehended and lodged in any of His Majesty's jails. Captain Nichols, at the commencement of the present war, was commander of the *Decatur*, American privateer, captured and sent into Barbadoes, where he was paroled. His Majesty's ship *Vesta*, by which the *Alert* brig had been originally detained, arrived at Barbadoes some time in January last; the commander of which immediately recognised Captain Nichols,

had him arrested, and sent to England, in the *Tribune* frigate, for trial. A partial account, I understand, has been published in the Newburyport newspaper, in June last, of Captain Nichols's arrest and imprisonment at Barbadoes, and being sent to England.

I have to request you will acquaint me whether the statement I have given you is correct; if not, that you will be pleased to furnish me with the facts you are possessed of. More than a sufficient period has elapsed for the Marshal of Massachusetts to send you his return; if I suffer Captain Barss (and Captain Woodworth, who I also learn, is confined on the same principle) to remain in jail, without attempting their release, I shall, with justice, stand charged with neglect of duty.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners.

HARLEM, August 7, 1813.

On the 27th day of July, nineteen days after the date of your letter to me, not having received the promised information, I again addressed you on the subject of Captain Barss and a Captain Woodworth, who, in the interval abovementioned, I discovered was also a close prisoner for the same cause; and, at the same time, gave you the merits of Captain Nichols's case, his arrest, and being sent to England for trial. The detail, I informed you, was the best I had been able to obtain, and requested you to acquaint me whether it was correct; if not, that you would be pleased to possess me with the facts in your possession. I have waited some time in the hope of receiving your answer. From your silence I am under the necessity of taking up the statement I transmitted to you as correct. If it is not, I feel it my duty to say you should long since have given me a true case. If, therefore, the subsequent remarks are founded on false premises, you will have the goodness to attribute them to your silence and delay.

I beg leave to submit the following remarks, which, as they are founded on general principles, I flatter myself will meet your and the President's concurrence:

Prisoners of war, guilty of crimes, are objects for trial and punishment by the nation to which they are prisoners; and the nation to which such prisoners belong has no right to object to the trial or punishments, provided they are agreeable to the laws of the land in which such prisoner may be, or consonant to the laws of nations.

When the citizen or subject of one nation is a prisoner, if the nation to which he is a prisoner treats him with unaccustomed severity, or in any other manner supposed to be illegal, it is the duty of the Government to whom he belongs to ascertain the facts, require an explanation, and, when possessed of all the circumstances, to acquiesce in the treatment, or remonstrate against it; and eventually, if justice is not done, or satisfaction made, to retaliate. One nation has not the right to retaliate on the subjects of another, without

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first demanding the above explanation. War, of itself, even under the present control of civilization, is sufficiently barbarous, without going this last step, which I have reason to fear is the intention of this Government, to retaliate on British prisoners, whatever Americans may receive from the British Government, even in cases where the American prisoners have been guilty of crimes. It appears, from the statement transmitted to you, that Captain Nichols, prior to the war, was committed to jail in England for some offence. Whether he was innocent or guilty is immaterial; at that time the same law would have been measured to him in common with His Majesty's subjects, and he was bound to have submitted thereto. Captain Nichols, however, thought proper to avoid a trial, and made his escape from prison. The British Government issued a proclamation for apprehending him; he, however, escaped, and returned to these States.

On the declaration of war he was appointed commander of the *Decatur* privateer, and, in January last, was captured by His Majesty's ship *Surprise*, and sent to Barbadoes, where he was paroled, and had the liberty to walk the streets. Soon after the *Vesta* frigate arrived at Barbadoes, the commander of which recognised Captain Nichols, knew the crime he had committed before the war, when Captain of the *Alert* merchant vessel, his escape, and the proclamation for apprehending him. He, therefore, had him arrested, and he has since been sent to England for his trial.

You will at once perceive that Captain Nichols was not arrested or sent to England for any act committed by him since, but for an offence prior to the war, when the two nations were at amity, and when he was as amenable to the laws of England as any of His Majesty's subjects.

His acquittal or punishment will be by a due course of law, and not by a naval or military tribunal; and I trust it is scarce necessary for me to add, that the judgment will be conformable to law and justice. Captain Nichols cannot acquire any rights from the war, or in consequence of being a prisoner, which will protect him for offences committed prior to the war.

I confidently hope the preceding relation and remarks will prove satisfactory, and that an order may be immediately forwarded for the release of Captains Barss and Woodworth. I pray your early answer.

With much more propriety might His Majesty retaliate for the detention and close confinement of Mr. Bowie, in Massachusetts, who is accused of attempting to convey letters to Halifax during war, than this Government attempt to prevent, by retaliatory measures, the ordinary effects of British courts of law on Captain Nichols, charged with crimes committed during a state of profound peace.

I trust retaliatory measures will not in future be used by this Government, save on the fair principles expressed in this letter; if they are, the inevitable consequence will be, that similar measures must be adopted on the part of His Majesty.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay.

AUGUST 25, 1813.

I beg leave to assure you that it was not my intention to delay unnecessarily the replies to your inquiries, relative to the confinement of Captain Barss and Captain Woodworth; I am ready to confess that this delay has arisen from an accident which I shall explain, and which retarded, longer than was desirable, my communication.

I should have more regretted this circumstance, but from the tenor of your letter of the 15th of June, in reply to mine of the 10th, on a similar subject, in which you consider yourself not the proper person to be addressed on occasions of this nature; yet it is proper to state, that retaliatory orders do not originate with me; they come from higher authority, and this office is only made the medium of their execution, with instructions, in each case, to give to you, when the order is executed, information of the fact. In the present case, the order from this office, as I informed you in mine of the 8th of July, was issued on the 21st of June to the Marshal of Massachusetts, to designate two masters of private armed ships, or of merchantmen, British subjects, and prisoners of war, in charge of himself, or of either of the Marshals of New Hampshire or Maine, and place them in close confinement, to be held to answer for the safety and proper treatment of Captain William Nichols, late master of the private armed brigantine *Decatur*, of Newburyport, who, while a prisoner of war on parole at Barbadoes, during last Spring, had been seized and inhumanly confined in a small hole on board a prison-ship at that place, and barred from all communication for more than a month, and then sent to England, in close confinement, on board one of the enemy's ships, for no offence, alleged or known, other than that he was accused, by some of the British officers, of having recaptured an American vessel under his command, taken from him by a British armed vessel before the war; and the Marshal was directed to make return.

It appears that the order was regularly executed, and the two Captains (Barss and Woodworth) designated and confined. The Marshal of Massachusetts, although an excellent and accurate officer, had omitted to make a regular return; probably the omission was owing to the designation having been made without his own district. I waited for his return when I wrote you on the 8th of this month, as I then informed you; for certainly it was my intention to have communicated the facts and the causes as I have now done, without any inquiry on your part, as I had done in the case of the four men confined in retaliation for the two seized by Commodore Beresford, and notwithstanding the manner in which you received that communication.

In reply to your letters of the 27th July, and 7th of August, I will first beg leave to decline the discussion on which you are pleased to enter, as to the nature and rights of retaliation in time of

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war; and will only remark that, on this point, I have no authority to enter on that subject generally with you. On the merits of any particular case, where prisoners of war are concerned, I am authorized, and consider it my duty, to endeavor, by explanation and a statement of facts, to divert severity on either side as much as possible. It is difficult to reconcile the following passage in your letter of the 15th June; "It does not, therefore, appear to be the duties of my office to interfere, where it is suggested the officers of His Majesty's navy or army have acted, either contrary to law or even indiscreetly; such cases are to be arranged by the Commander-in-chief of His Majesty's ships of war on the American station, or by the General commanding His Majesty's forces in America, or by His Majesty's Ministers in London." With the wide field you have taken in your letter of the 7th of August, relative to the cases of Captains Nichols, Barss, and Woodworth, it is not easy to suppose that your Government should expect that you could exercise here the full power of requiring explanation from the American authorities, without offering to them the means of similar facility.

You have, however, given what you suppose, as you say, to be the circumstances of Captain Nichols's case. As you rest it on no authority, you must permit me to say, it is impossible for me to act in any way on your present statement. Without, however, implying any commitment on the part of this Government as to its future course, I will only remind you that you have more than once been mistaken on information collected from irregular sources. I will cite the cases of Mr. Oswald Lawson, &c., as evidences of the caution with which you ought to make official demands. All authentic information which you may be able to collect respecting the case of Captain Nichols, shall be received with pleasure, and, I can assure you, will command the immediate attention of the proper authorities. In the meantime it is proper to state, that his character has been inquired into, and is considered too respectable to be reached by the accusation of crimes you are pleased, on rumor only, to bring against him.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated.

AUGUST 29, 1813.

I am honored with your letter of the 25th instant, on the subject of Captains Barss and Woodworth, British prisoners of war, now in close confinement in these States, as a retaliatory measure for treatment stated to have been received by Captain Nichols, of the *Decatur* privateer, while a prisoner, and his having since been sent to England as a prisoner.

From the tenor of your letter, it is evident you suppose my letters to you on the above subject are in opposition to my letter of the 15th of June, in answer to yours of the 10th of that month, respecting two men of the *Vixen*, taken out of a cartel vessel in the Delaware, by Commodore Beresford. I am unable to discover any contradiction

in them. In your letter of the 10th June, after stating the facts, you request me to "cause the officer and seaman of the *Vixen* to be immediately released and returned to this country." In answer, I informed you this was not in my power; that "the duties of my office were confined to the relief of British subjects detained in the United States of America, and for carrying on exchanges;" and I added, that which you notice in your letter of the 25th instant, "it does not, therefore, appertain to the duties of my office," &c.; this was a natural and correct conclusion, after stating the nature and extent of my appointment. The case in which you called on me to interfere was of the first importance; it embraced the causes on which the United States have founded the necessity of going to war with Great Britain; it involved the right exercised by Great Britain over her subjects; and, on the other hand, the right the United States claim with respect to British born subjects, made citizens in these States. I therefore told you it was beyond the limits of my appointment, and could only be acted upon by the Commander-in-Chief of His Majesty's ships of war in America, or His Majesty's Ministers in London; and I acquainted you I should transmit to his Excellency Sir John B. Warren, and to my Government, copies of your communication on this subject, which was done. I cannot perceive in what manner this acknowledged want of power in me can lead you to imagine it deprives me of the right of respectfully inquiring of this Government the reasons which have induced it to deprive of the benefit of parole, and treat with increased severity, two British prisoners of war, not charged with having committed a crime or an offence. The words of my commission particularly embrace the case of Captains Barss and Woodworth, who are detained in these States.

I proceed to the second part of your letter—the reasons assigned by you for not having returned me an answer to my letters on this subject. This, you observe, was occasioned by the marshal's not having transmitted you a regular return. The return of the marshal was wholly irrelevant to the request contained in my letters of the 3d and 27th July. I made no inquiry respecting the conduct of the marshal in executing the order of the Government on Captains Barss and Woodworth. I was possessed of this fact. What I requested was, that you would be pleased to "communicate to me such facts as you can reveal consistent with your duty." This Government must have been possessed of them before the 3d of July, nay, even prior to the order to the marshal to apprehend two British prisoners; consequently, it was equally in your power on the 8th of July, as on the 25th of August, to have offered me the information requested.

My letter of the 27th of July contains simply the circumstances I had collected respecting Captain Nichols; the cause of his parole at Barbadoes being superseded, and he sent on board the prison-ship, and from thence to England; together with the request that you would acquaint me whether those facts were correct, and, if not,

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that you would be pleased to furnish me the facts in your possession. It is true, on the 7th of August, in consequence of your continued silence, and withholding from me the information I had repeatedly requested, I entered upon the propriety of the treatment of Captains Barss and Woodworth, and argued upon it, taking the case sent you on the 27th of July, as comprising the whole of the facts relating to Captain Nichols, and Captains Barss and Woodworth. Prior, however, to my entering upon the subject, I recapitulated my repeated attempts to obtain information from you, and added that "from your silence I am compelled to take up the statement I transmitted to you as correct; if it is not, I feel it my duty to say should long since have given me a true case."

I beg leave to assure you, sir, that the principles stated by me in my letter of the 7th August, respecting retaliatory measures, were by no means intended as matter of discussion. I consider them as acknowledged principles, and, as such, applied them to the case. I will not presume to say they were apposite to the case under consideration—that is a question to be determined by others—but I aver the principles to be sound law.

The case of Captain Nichols, as represented by me, is generally, though not particularly, acknowledged by you, in your letter of the 25th instant, in which you suggest that Captains Barss and Woodworth were placed "in close confinement, to be held to answer for the safety and proper treatment of Captain William Nichols, late master of the private armed brig Decatur, of Newburyport, who, while a prisoner of war on parole at Barbadoes, during the last Spring, had been seized and inhumanly confined in a small hole on board a prison-ship at that place, and barred from all communication for more than a month, and then sent to England in close confinement on board of one of the enemy's ships, for no offence alleged or known, other than that he was accused by some of the British officers of having recaptured an American vessel under his command, and taken from him by a British armed vessel before the war." In the preceding extract, you acknowledge that Captain Nichols "was accused by some British officers of having recaptured an American vessel under his command before the war." This forms a part of my statement to you on the 27th of July. In addition to which, I mentioned what is omitted by you, but which will eventually come out in evidence, that Captain Nichols, on regaining the possession of the Alert brig, put the prize-master and seamen in a small boat, and committed them to the mercy of the winds and waves. It is for this act, principally, he is sent to England to be tried. In a case like the present, I presume that this Government would not have directed retaliatory orders to issue, without having the facts confirmed under an oath; and I had hoped you would have had the goodness to have sent me copies of the depositions taken. If you can with propriety do it, you will oblige me by sending them. In my letter of yesterday, I informed you I had the depositions of two of the men of the Decatur privateer, who were prisoners with

Captain Nichols on board the prison-ship, who swear that he was not "inhumanly confined in a small hole on board the prison-ship," but that he had a state-room in the ship, with the use of the cabin and quarter-deck, and that they never heard either Captain Nichols or any other person complain of the treatment Captain Nichols received. These depositions were taken before a notary public and justice of the peace.

I am greatly at a loss to account for your having introduced into your letter of the 25th instant Oswald Lawson's, and three other cases, in evidence of my having (as you are pleased to say) been mistaken in information collected from irregular sources; by this means, hinting that my representation respecting Captain Nichols appertained to the same class. I have evidently shown that this is not so, and that you and myself agree in the leading point—that Captain Nichols is accused, by one or more of His Majesty's officers, of a criminal act before the war. But, admitting that no one part of my statement was correct, had I not expressly remarked, I am compelled, by your withholding all information from me on the subject, to suppose from your silence it contained the truth.

BOSTON, September 3, 1813.

SIR: In answer to your inquiries, respecting Captain William Nichols, I have to state that, in the year eighteen hundred and eleven, and I think in the month of August, Captain Nichols was master of my brig Alert, belonging to Newburyport, engaged on a voyage to Bordeaux; that, two or three days after sailing from that port, on his return home, he was taken by the frigate, having a cargo of wines, brandies, silks, and nothing which could possibly be construed as contraband of war; and his vessel was (after a prize-master and six men were put on board) ordered for England; he and his mate only, with two small boys, being permitted to remain. About three days after, he and the mate rose on the crew, tied their hands behind them, and hoisted out the long boat, being only about forty miles from the land, (and summer time,) rigged her, placed on the sails and oars, put in her two barrels of bread, plenty of beef, two casks of water, a keg of wine, keg of brandy, other small stores, all their clothes, and such conveniences as would be necessary; supplied them with a good compass and quadrant, and then put the six men in the boat, in which they proceeded to, and safely landed in France. Captain Nichols and the mate then called on deck the two small boys, who had remained below during these transactions, and proceeded on his voyage; but six days after, he was again captured by the English frigate Vesta, to whom he related the foregoing circumstances, and the captain and officers of this frigate did not treat him as though they thought his conduct either criminal or reprehensible; he was carried with his vessel to Portsmouth, in England, and after being on board the frigate in harbor a few days, he came on shore, went up to London, thence proceeded



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to Liverpool, and there took passage and returned to Newburyport.

A short time after I gave him the command of another of my vessels, namely, the brig Dolphin, a new vessel, then lying at Newburyport, and he proceeded on his voyage, laden with fish, for Bordeaux; but on his passage out, being at sea thirteen days, he was taken by a British frigate in company with a sloop of war. The captain of the frigate asked Captain Nichols if he was the person who retook the Alert? Captain Nichols replied in the affirmative; the British captain replied "it was a brave act, and he should treat him as a brave man deserved;" and after experiencing the best of treatment while at sea, this officer delivered, on his arrival to Captain Nichols, all his private adventure, the proceeds of which passed through my hands from my correspondent in England; and Captain Nichols was not restrained on his arrival in England, but was suffered to be at large, and come home passenger in the ship Aurora, by the way of New York, about six weeks prior to the declaration of war between this country and England.

Directly on the declaration of war I purchased (with my friends) the brig Decatur, and Captain Nichols was selected as a suitable character to take the command; and he proceeded on a cruise against the British, took eleven prizes, and returned into port; the Decatur was refitted, proceeded on a second cruise, during which he was taken by the Surprise frigate, and carried into Barbadoes, and there paroled for nearly two months, when, the Vesta frigate arriving at that island, he was arrested, sent on board the prison ship, placed in close confinement in a room built purposely for him, of five feet broad and seven feet wide, and no person allowed but his keeper to speak to him. After remaining in this unpleasant situation nearly six weeks, he was sent on board the British frigate Tribune, and ordered for England, since when we have not heard from him.

Touching the character of Captain Nichols, as a man, and a neighbor, he is modest and unassuming, yet brave and decided; warmly attached to the constitutions, Federal and State, of his native country; eager to resist and cool to defend those rights for which the independence of his country was established, and which no unjust pretensions of the enemy will lead him to submit to, however great his personal sufferings. As a man, he is strictly moral and sincere; as a husband, parent, and neighbor, tender, indulgent, and affable. His connexions are highly respectable, and are among the first of our citizens. Universal assent among all classes and parties may be had that Captain Nichols is truly an honest, brave, and useful citizen.

I hope this information will be the means of restoring him to his family, his friends, and his country, and I can myself vouch for the correctness of the statement.

I am, sir, your obedient servant,

BENJAMIN PIERCE.

JAMES PRINCE, *Marshal of Mass.*

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

OCTOBER 5, 1813.

In your letters of the 26th and 29th of August, you request me to inform you of the determination of Government as to the British Captains Barss and Woodworth. You state that Captain Nichols, of the American privateer Decatur, was sent to England for an offence he stands charged with prior to the war, to wit, having recaptured his vessel, and put part of the prize crew in a boat at sea; request me to send you any affidavits or other evidence in the case; and inform me that you are in possession of the depositions of two of the seamen of the privateer Decatur, contradicting statements you have seen relative to the treatment of Captain Nichols. I send you, sir, as you request—although, in the present stage of this business, and on your own declarations, I might be very well excused from further explanations on the subject—the copy of an affidavit by Mr. James Foote, prize-master, on board the Decatur at the time Captain Nichols was last taken, and present at Barbadoes with him when he was seized and confined; and of a letter from Commodore Bainbridge of the 3d of June, which communicated it; as also of the narrative of Benjamin Pierce, Esq., owner, not only of the privateer in which Captain Nichols was last captured, but of the vessel in which he was taken before the war, of all the circumstances of the whole case with which he must, from his relation with Captain Nichols, have been necessarily intimately acquainted. The character and standing of Mr. Pierce precludes all doubt as to the veracity of his account. By it, it will appear that Captain Nichols was never prosecuted in England before the war, as you have been pleased to state, for any act; on the contrary, that he was captured a second time and carried to that country without molestation; that the commanders of your frigates, who made a prize of him, brought no charge against him before the war; and that, as to his treatment of the English crew, from whom he so bravely recovered his vessel, he did all that could have been expected for them, in the unjustifiable situation in which he had been placed: he supplied them abundantly in a good boat, on a smooth sea, in sight of the French coast, on which they safely landed. You lay much stress on the offence you are pleased to impute to Captain Nichols, committed as you say in time of peace, namely, the retaking his vessel. You compel me, unwillingly, sir, to remind you that the period to which you allude was a time of peace only on one side; it was, "on the side of Great Britain, a state of war against the United States; on the side of the United States, a state of peace towards Great Britain." Captain Nichols thus had war made on him while peaceably pursuing a lawful commerce. He was justified, by the laws of God and man, to retort the war, so far as to free himself and his property, as soon as he had it in his power to do so.

You will please to remark, sir, that the narrative of Mr. Pierce was received after the retaliation

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tory measures were taken in this case, and is now used only to rebut the statements you have made, or alleged, of former prosecution and escape of Captain Nichols. It was not necessary to assure the Government of the facts on which it proceeded, nor were they rested only on the affidavit of Mr. Foote, respectable as it is. All that he has stated was previously confirmed to me by declarations, made in person, by several officers of American vessels, who were on the spot, prisoners at the time in Barbadoes; and the affidavits of the two sailors notwithstanding, which you say you have become possessed of, you will find them, in the result, prove correct. In reply to your inquiry as to the determination of the Government relative to Captains Barss and Woodworth, I have to inform you that it is firmly now as it was originally taken, to hold them as hostages, to answer in their persons for the safety and proper treatment of Captain Nichols in the hands of the enemy.

Extract of a letter from Colonel Thomas Barclay,  
General Agent for British Prisoners, to the Commis-  
sary General of Prisoners, dated at

HARLEM, January 24, 1814.

I have the honor to enclose you a copy of a letter received from the Commissioners for conducting His Majesty's transport service, and for the care and custody of prisoners of war; from which you will perceive that Captain Nichols, of the Decatur privateer, is not detained in prison for any particular offence alleged against him, but that he is held at Chatham a prisoner, because the privateer which he commanded was not of a sufficient size to entitle him to parole. The Commissioners further state that they had communicated this circumstance to Mr. Beasley, your agent in London, who, I take for granted, has acquainted you with the nature of the confinement in which Captain Nichols is in at Chatham. I request that you will order the Marshal, under whose custody Captain Barss is at present, to release him from the strict confinement in which he is at present, and that he may be placed in a situation similar to that in which Captain Nichols now is; also, that you will be pleased to release Captain Woodworth on parole, as he was prior to his being put into close confinement. I have named the two British captains, not by way of selection on my part, because, had their situations been the same, I should have left it to you to release which of the two you thought proper; but under an impression that Woodworth, who is, I believe, a Quaker, was master of an unarmed merchant vessel, and, therefore, entitled to his parole, from masters of merchant vessels being paroled throughout His Majesty's dominions.

If Captain Barss was captured in a privateer of fourteen guns, he also should be paroled. I am, however, apprehensive that the vessel he commanded did not carry so many guns. I will inquire into the fact.

THOMAS BARCLAY.

J. MASON, Esq.

13th CON. 2d SESS.—68

[Enclosed in the preceding.]

TRANSPORT OFFICE, Nov. 5, 1813.

SIR: Admiral Griffith having communicated to us your letters of the 14th of July, addressed to Admiral Sir J. B. Warren, with its enclosures, relative to the severities practised by the American Government towards British prisoners of war, in consequence of the confinement of Captain Nichols, of the American privateer Decatur, we acquaint you that Mr. Nichols, who is now at Chatham, is not confined because he put the boat adrift, but simply because the privateer which he commanded was not of a sufficient size to entitle him to parole, of which circumstance Mr. Beasley has been informed in answer to an application made by him for Mr. Nichols to be admitted to parole.

We are, sir, your humble servants,

RUPERT GEORGE,  
J. BOWEN,  
JOHN FORBES.

THOMAS BARCLAY, Esq.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Feb. 14, 1814.

SIR: I have had the honor to receive your letter of 24th January, transmitting one addressed to you on the 5th November, by the Commissioners of the British Transport Board, by which I am informed that Captain Nichols, of the American privateer Decatur, is not detained now in prison for any particular offence alleged against him, but that he is confined simply because the privateer he commanded was not of sufficient force to entitle him to parole. This is, to be sure, taking a very different ground from that on which you strenuously, in July and August, insisted. Capt. Nichols was to be tried for his life for crimes committed in times of profound peace; yet if Captain Nichols is refused his parole, and held in close confinement, on the mere pretext that he did not command a privateer of as many as fourteen guns, it ought to have been explained why he was treated like a criminal at Barbadoes, separated from his fellow prisoners, with whom he would have been long since released, and transported to England in so ignominious a manner; and it would have been but small atonement, on the part of your Government to this injured man, for the extreme severity used towards him by its officers, so soon as they had ascertained, which is now admitted, that he had been unjustly accused, to have released him on parole.

As, however, it is now declared that there is no intention of bringing him to trial, orders have been given to restore, to the ordinary state of prisoners of war, the British Captains Woodworth and Barss who had been designated as hostages to be held for his safety; the first to be restored to his parole, and the last to remain in confinement, where he will be retained for special exchange against Captain Nichols.

I have the honor to be, &c.,  
Col. THOMAS BARCLAY, &c.

J. MASON.

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Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

BLADENSBURG, March 13, 1814.

SIR: I consider it a circumstance to be lamented that Captains Barss and Nichols should remain prisoners in close confinement, both being respectable characters; if, therefore, it meets your wishes, I am ready to write to the Commissioners in London to exchange Captain Nichols for Captain Barss without delay, and request them to restore him, on the receipt of my letter, to liberty, and allow him to return in the first conveyance, public or private, to America. In return, I shall expect Captain Barss to be admitted to his parole, and, on the arrival of Captain Nichols in these States, to be immediately exchanged; or, on receiving a letter from the Commissioners expressive of their assent to these exchanges, that Captain Barss shall be permitted to return to Nova Scotia on parole in the first conveyance.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, March 22, 1814.

SIR: In reply to your letter of the 13th instant, I readily consent to your proposition that the exchange of Captain Barss against Captain Nichols take place; Captain Barss being specially held for that purpose, as I had the honor to inform you in my letter of the 14th ultimo.

So soon as you shall announce to me that Captain Nichols is paroled, a similar indulgence shall be extended to Captain Barss; and whenever you may have it in your power to inform me that Captain Nichols is embarked, with permission to return to the United States for the purpose of his exchange, Captain Barss shall be immediately permitted to go on parole to Nova Scotia. I have the honor to be, &c.,

J. MASON.

Col. THOMAS BARCLAY, &c.

BLADENSBURG, March 24, 1814.

SIR: I have, by this morning's mail, received your letter of the 22d instant, in answer to mine of the 13th, respecting Captains Barss and Nichols, and agreeing to my propositions. Anxious for their release and exchange, I delayed not a moment to write to the Commissioners on the subject, and enclosed them a copy of your letter, and requested their immediate answer.

I have the honor to enclose my letter to them to you, and request you will forward it by tomorrow's mail to the Marshal of New York, to be put in the letter bag of the vessel for Gottenburg.

I have, &c., T. BARCLAY.  
General MASON.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, March 30, 1814.

SIR: The letter for the Commissioners of your Transport Board, enclosed on the 24th instant, was, immediately on its reception, sent to the Marshal of New York, to go by the cartel to Gottenburg.

To obviate any further misunderstanding on the subject of Captain Nichols and Barss, it may be proper to remind you that I did not agree to all the propositions made in your letter of the 13th of March relative to them, as you seem to convey in yours of the 24th instant. This will be seen by reference to my letter of the 22d instant.

I have, &c.,

J. MASON.

Col. THOMAS BARCLAY, &c.

BLADENSBURG, April 1, 1814.

SIR: Your letter of the [30th] of March I received by this day's post, and I have the satisfaction to acquaint you there is [no] probability of a misunderstanding between you and me respecting the release on parole in these States, or eventual return of Captain Barss to Nova Scotia, as you apprehend might occur in consequence of your letter to me of the 22d ultimo, not precisely conforming to the proposals contained in my letter of the 13th of that month, and to which it was an answer.

In my letter to the Commissioners, I not only enclosed them a copy of your letter of the 22d of March, but concluded it in the words following: "Permit me to request an early answer, so that Captain Barss may be permitted to return to Nova Scotia, in the event of your agreeing to parole or exchange Captain Nichols for him; and I beg leave to call your particular attention to the condition expressed in the Commissary General's letter, a copy whereof, marked A, is enclosed." I have the honor to be, &c.,

THOMAS BARCLAY.

General MASON, &c.

F.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

SEPTEMBER 17, 1813.

I have the honor to enclose to you copies of letters received by the special cartel Roxana, at Boston, from Rear Admiral Griffith, Port Admiral at Halifax, Nova Scotia, and Lieutenant Miller, agent for transports and prisoners of war. I assure you it is with extreme pain I learn from letters that it has been found necessary, on the part of His Majesty, to resort to such unpleasant measures, in consequence of the treatment of British prisoners in these States. Several of my former letters to you have conveyed my opinion that ultimately these measures would be adopted. It is not, at present, my intention to call in question either the justice or policy of this Government in confining British subjects, by way of retaliation, for persons taken on board American ships of war and private armed vessels, claimed and proved to be native born subjects of His Majesty, with the single exception of Captain Nichols, of the Decatur privateer, sent to England to be tried, charged with an offence committed prior to the war, cognizable in His Majesty's ordinary courts of justice. I shall only remark, for your consideration, that there are at least six times as many American prisoners to His Ma-

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jesty as there are British prisoners in these States; and that, if the system is maintained, the inevitable consequence must be, that all the prisoners on both sides must suffer.

You will perceive from Lieutenant Miller's letter, and the abstract of prisoners now enclosed, that his Excellency Sir George Prevost has sent a number of American prisoners to Halifax, Nova Scotia, from Quebec; the greater proportion of these are land forces, three hundred and seventy-seven non-commissioned officers and privates, and forty-four commissioned officers, including a few naval characters.

[Enclosed in the preceding.]

SIR: I avail myself of the opportunity which a vessel, likely to touch at a port in the United States, offers to inform you that your despatch to Sir J. Warren, by the *Agnes*, containing one letter, dated the 27th of July, together with the copy of a letter to General Mason, was delivered to me; and that, in the absence of Sir John, I thought it necessary to open it.

Understanding from the master of the cartel, as well as from the prisoners that came in her, that the British prisoners put in jail, on a retaliatory order of the American Government, continue in confinement, I have taken upon myself to order the agent here, Lieutenant Miller, to follow the example of the American Government, and immediately to shut up in the jail of this town two American prisoners of war for every British subject he may in future learn, on satisfactory information, are confined in the jails of the United States. I have, &c.

EDWARD GRIFFITH,  
*Rear Admiral.*

Extract of a letter from Lieutenant William Miller, British agent for prisoners of war, to Colonel Thomas Barclay, general agent for British prisoners in the United States, dated

HALIFAX, August 28, 1813.

I have the honor to acknowledge the receipt of your letters of the 3d ultimo and 2d instant, and herewith beg leave to enclose progressive returns of American and French prisoners of war in my custody to date, and received since my last return, (17th instant,) four hundred and ninety American prisoners of war from Quebec, per His Majesty's ship *Regulus* and *Melpomene*, a list of which I cannot transmit, in consequence of my not having been furnished with any from the *Melpomene*, but trust, by the next conveyance, I will be enabled to forward you the same.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Sept. 22, 1813.

SIR: I received yesterday the letter you did me the honor to address me on the 17th instant, enclosing copies of a communication to you from Mr. Miller, your agent for prisoners at Halifax, dated the 28th of August, and of one from Admiral Griffith, without date; by these I learn, in general terms only, that the officers of your Government at Halifax have thought proper to desig-

nate a certain number of American prisoners of war at that place to be imprisoned, on the plea of counter-retaliation for British prisoners of war held in confinement, as you have been from time to time informed, as hostages, to answer for the safety and proper treatment of American prisoners heretofore named to you, unwarrantably detained and transported to England or elsewhere for trial.

On that day I received, also, letters from our agent for prisoners at Halifax, Mr. Mitchell, which came by the same vessel, the cartel *Roxana*, and which supply that part of the system adopted at Halifax, not disclosed by your despatches. Sixteen American citizens we now know, sir, have been cast into dungeons; six officers of privateers, to wit: two captains, three lieutenants, and a sailing-master, have been thrust into one noisome hole of the area of nine feet by seven, where they are only permitted to receive the means of respiration and the light of heaven through an iron-barred aperture of twenty-four by ten inches. Ten of the brave crew of the *Chesapeake* frigate, a carpenter, a boatswain, and eight seamen have been crammed into two similar dark and impure receptacles of wretchedness. One hundred and fifty-nine American soldiers and seamen have been picked out from their comrades, and sent to England for trial. I shall for the present, sir, make no comment on the character of these transactions. You must be sensible that the spirit and justice of this nation will not permit such wrongs to go unredressed.

When the measures of the Government are taken you shall be informed. In the meantime, however, it becomes proper to apprise you that these will not, in the smallest degree, be influenced by the consideration which you are pleased to hold up to our view of the present balance of prisoners in your possession. The fortune of war may change this state of things, or the Government may resort to other means of redress against outrages on humanity, if unfortunately they should not be discontinued; but, whatever may at any time be its advantage on this score, you may be assured, sir, that it will never avail itself of the power it may happen to have to violate a solitary principle of right, or cause a single individual to suffer unnecessarily. On all occasions where rigid treatment has been used by us towards any of your prisoners of war, it has been forced on us by some previous act of your officers. Our system has been purely retaliatory, and of the mildest nature, since the manner of the confinement has never as yet been used by us to inflict punishment, or made more close than was requisite to hold secure against escape the persons of the individuals designated, ultimately, to answer for consequences; and we have never failed to release instantly, on being informed that the cause for retaliation had ceased.

I have not made these observations, sir, to divert you from your purpose. If it is taken, as seems to be indicated by the course pursued at Halifax, we are ready to meet, by corresponding measures, every treatment of prisoners taken in war, unau-

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thorized by the practice of nations, as well as that of other of our citizens, held in confinement by the authorities of your Government, much, perhaps too much, of which has not heretofore been brought into account, in the constant hope that a relaxation on your part might prevent the opening of wounds additional to those necessarily inflicted by the ordinary course of civilized warfare. On the other hand, I have more than once had occasion to assure you, and now with the greater sincerity repeat, that I have been constantly instructed, and that it is most ardently my own wish, so to conduct the treatment of prisoners of war, as that the only emulation between us will be who shall most frequently and most effectually alleviate the sufferings of the unfortunate individuals whom the fortune of war may, from time to time, place in the respective power of the two Governments.

I earnestly invite your attention, sir, to the alternative, and shall, I pray you to believe, much rejoice if you adopt the latter. I have &c.

J. MASON.

Colonel THOMAS BARCLAY, &c.

HALIFAX, September 2, 1813.

SIR: I have written you much, under different dates, to go by this vessel, the *Roxana*. I have yet much to write, and, if possible, of a more unpleasant nature than what I have had occasion to mention since my coming here.

I mention being informed of our prisoners being sent to the jail here. Last night brought me a letter from Mr. James Trask, Captain Lane, and four others, informing me of their having been brought from Melville island, and were then confined in the dungeon of the common jail.

This morning, at eight o'clock, I sent a letter to Mr. Miller, of which you have herewith a copy. About three, P. M., he called on and accompanied me to the jail; there I found the persons mentioned on the list herewith. The six officers of privateers are in one dungeon, having a light of about twenty-four by ten inches, grated. The dungeon is nine feet by seven feet. In two similar holes are ten men belonging to the crew of the *Chesapeake*, five in each. I have already informed you eleven of this crew have been sent on board different of His Britannic Majesty's ships of war. In addition to this, I lament to have occasion to inform you that, besides the fifty-nine men belonging to our troops sent here from Canada, they have picked one hundred seamen from the prison at Melville island, chiefly from crews of privateers. They are embarked, and ready to sail for England. I have asked for the list, which the agent has promised me. A copy shall be sent you as early as possible. I could not describe, even if time would admit, how painful this unwarrantable conduct renders my situation. As Mr. Miller did not answer my last letters, he proposed to me to see the admiral, informing me Admiral Griffith had said to him he would see me at any time; but I declined the invitation, satisfied no good could result from it.

He had taken his measures, and before I could see him to-morrow our men will be out of the harbor, and no supplication on my part would relieve one of the sixteen from their horrid dungeon. It is their country that must redress them. They are all in spirits, confident it will do so. Be assured, sir, that this, nor harsher treatment, will intimidate a man who is here in confinement, and I hope it will rouse every man who is at home.

I must here observe to you that on Mr. Miller's calling on me, and not having written to me, I complained of his stating the men as having entered or given themselves up as British subjects. His reply was, it was in consequence of the report made from the ships to him, though it was evident he did not believe a man had given himself up as a British subject. I complained of it as an unmanly subterfuge, and a breach of the cartel. Besides the list he gave me, he mentioned three had been sent to England in the *Spartan*, Captain Brenton; she sailed a few days since. I shall receive their names and forward them to you.

As the men ordered for England from the prison were badly off for clothes, and I could not procure any ready made, I requested Mr. Miller to supply them with shirts, shoes, &c., from his stores, which he has promised me to do. This I hope will meet your approbation.

I am sir, your most obedient servant,

JOHN MITCHELL.

JOHN MASON, Esq., Commissary, &c.

HALIFAX, September 3, 1813.

SIR: It was with much concern that I yesterday learned several American prisoners of war, one of them Mr. James Trask, were in the dungeon of the common prison in this town. Will you, sir, be pleased to inform me the particular offence of each person who has been moved from Melville island to the jail here, or why it has been done, and whether I can visit them alone to-day? if not, if you will do me the honor to accompany me, and at what hour?

As regards Mr. Trask, I beg to remind you of a conversation that took place in my office, in which I informed you, that it had been reported Mr. Trask was likely to receive severe treatment for having broken his parole, and going to sea previous to his exchange; that the marshal finding Mr. Lightbody, of the *Maidstone* British frigate in like situation, he would detain him, subject to similar treatment as Mr. Trask. On your assuring me Mr. Trask should be treated and exchanged like the other prisoners, and exchanged with them, I wrote Mr. Prince, the marshal at Boston; in consequence of which Mr. Lightbody was permitted to return here in the *Agnes*. He, I presume, is now here, and can explain the treatment he received at Boston. Further remarks I shall not make on this business, until I have the honor to hear from you. I am, sir, &c.

JOHN MITCHELL,

Agent U. S. for exchange of prisoners.

Lt. WM. MILLER, Agent for Prisoners.

*Great Britain—Naturalization.*

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners.

SEPTEMBER 27, 1813.

Your letter of the 22d current, in answer to a part of my letter of the 17th instant, I have had the honor to receive. The copies of letters then enclosed to you contained all the information I had received from Halifax on the subject of American prisoners put into confinement in retaliation for British prisoners confined in the United States. It is not in my power to contradict Mr. Mitchell's statement, either with respect to the places in which these prisoners have been confined, or that "one hundred and fifty-nine other prisoners, soldiers, and seamen, have been picked out from the American prisoners, and sent to England for trial." I am, however, led to doubt the correctness of his information with regard to the former, from the expressions in Rear Admiral Griffith's letter, that he had taken upon himself to order the agent, Lieutenant Miller, to follow the example of the American Government, and immediately to shut up in the jail of this town (Halifax) two American prisoners for every British subject he may in future learn, on satisfactory information, are confined in the jails of the United States; the words "in the jail of this town" not comporting either with dungeons or noisome holes, &c., represented by Mr. Mitchell. Not any of my letters notice prisoners being sent to England for trial. Had this been the case, I feel assured Lieutenant Miller would have mentioned it; because, in accounting for the number of prisoners, he is very particular, and in his last return he gives the names of (I think ten) prisoners, who had acknowledged themselves British subjects, and had been turned over to His Majesty's ships of war. If he, therefore, noticed ten, I think it more than probable he would one hundred and fifty-nine. This, however, is simply a deduction from analogy, and I beg leave to repeat, I do not contradict Mr. Mitchell's assertion.

Whatever may be the situation of the American prisoners thus confined in the jail at Halifax, it is evidently the consequence of His Majesty's subjects having been confined in the United States of America, by way of retaliation for British subjects (with the exception of Captain Nichols, of the Decatur privateer,) taken in arms against their King, and sent to England for trial.

It rests with this Government to determine whether it will continue its claims to protect His Majesty's subjects found on the high seas, or in His Majesty's dominions, in arms against their sovereign, at the expense of the ease, comfort, and perhaps lives, of its native citizens, or restore them to freedom, by abandoning a doctrine not acknowledged by any European Power.

I pass over, without remark, the remainder of your letter, on the unpleasant part of this subject, as the propriety of these measures must be considered, and effectually corrected, by our respective Governments; and hasten to assure you, that it is His Majesty's earnest desire that the subjects and citizens of both nations, made prisoners du-

ring the war, may receive every comfort and indulgence that humanity dictates.

OFFICE COMM'Y GEN'L OF PRISONERS,  
WASHINGTON, Sept. 28, 1813.

SIR: By late advices from our agent at Halifax for prisoners, we are informed that the enemy have dealt out to a number of our prisoners of war in their possession at that place a most inhuman and violent degree of punishment, in retaliation, as they allege, for the confinement of certain prisoners of theirs held by us as hostages, to answer for the safety and proper treatment of several of our officers and seamen, made prisoners of war by them, unjustifiably held, and sent off to England or other places for trial. They have actually thrown sixteen of our citizens (a descriptive list of whom is annexed) into dungeons, the dimensions of which are nine feet by seven, having each a single grated light of about twenty-four by ten inches; the six officers of privateers lie together, tortured in one of these wretched holes, and five of the Chesapeake's crew in each of two others.

The British authorities at Halifax have, moreover, selected from the mass of our prisoners in their possession, and sent to England on the plea of their being British subjects, one hundred seamen and fifty-nine soldiers.

These proceedings call loudly on the Government for redress; it is to be lamented that this can be only had by causing the cruelty of the enemy to be felt also by their own subjects, individually innocent. I am commanded by the President to direct that you will, with as little delay as possible, after the reception of this order, designate and confine in dungeons, similar, as nearly as possible, to those I have described as used by the enemy, sixteen prisoners of war, British subjects, now in your charge, or who will very soon be so placed by the late arrangement made, as you are advised, of marching all the prisoners on the maritime frontier East of you to Salem; that is to say, six officers of privateers, of as nearly equal rank as can be done with those enumerated in the annexed list, now so confined at Halifax, and ten of the crew of the late British sloop-of-war Boxer; that is, one boatswain and one carpenter, or two petty officers of equal rank, and eight seamen, there to be held in retaliation for the cruelty exercised by the enemy at Halifax on a like number of our prisoners, as before stated; and further, that you will immediately designate one hundred other seamen, British subjects, prisoners of war, belonging to men of war, privateers, and merchantmen, separate them from the ordinary prisoners of war, place them in close confinement, so as to prevent effectually the means of escape, but not to inflict punishment, and there hold them as hostages, to answer for the safety and proper treatment of the one hundred American seamen sent from Halifax to England, in the manner I have already described. You will inform all those unfortunate persons so designated and confined, of the causes by which such a



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measure has been forced on us, and you will be pleased to make a speedy and regular return. For the treatment of the fifty-nine soldiers I will give the requisite orders in another quarter.

I have the honor to be, &c.

JAMES PRINCE, Esq., J. MASON.  
*Marshal of Massachusetts.*

*List of American prisoners of war confined by the enemy in dungeons at Halifax.*

No.	Names.	Quality.	Ship belonging to.	Man of war or privateer.
1	Thomas Carpenter	Seaman	United States' frigate Chesapeake	Man-of-war.
2	John Pussy	Seaman	United States' frigate Chesapeake	Man-of-war.
3	Stephen Ball	Seaman	United States' frigate Chesapeake	Man-of-war.
4	Sylvester Stacy	Seaman	United States' frigate Chesapeake	Man-of-war.
5	Joseph Goodall	Seaman	United States' frigate Chesapeake	Man-of-war.
6	John Chappell	Seaman	United States' frigate Chesapeake	Man-of-war.
7	James Peterson	Seaman	United States' frigate Chesapeake	Man-of-war.
8	Isaac Porter	Seaman	United States' frigate Chesapeake	Man-of-war.
9	George Miller	Carpenter	United States' frigate Chesapeake	Man-of-war.
10	Matthew Rogers	Boatswain	United States' frigate Chesapeake	Man-of-war.
11	James Trask	Sailingmaster	Revenge	Privateer.
12	John Light	Lieutenant	Juliana Smith	Privateer.
13	J. R. Morgan	Commander	Enterprise	Privateer.
14	William Lane	Commander	Wiley Reynard	Privateer.
15	David Perry	Lieutenant	Wiley Reynard	Privateer.
16	Thomas Swain	Lieutenant	Wiley Reynard	Privateer.

Extract of a letter from the Commissary General of Prisoners, to Colonel Thomas Barclay, dated

SEPTEMBER 29, 1813.

In your letter of the 17th instant, I am informed that Sir George Prevost had sent a number of American prisoners, amounting to three hundred and seventy-seven non-commissioned officers and privates, and forty-four commissioned officers, principally land forces, from the station for exchange at Quebec to that of Halifax. Desirous of confining my observations at that time to a distinct subject, I did not, in my reply to part of your letter of that date, make any remarks on this

most unexpected proceeding. I have now, sir, to demand the reasons for that unjustifiable step, which can but be considered as in direct hostility with the provisions of the cartel, and as a measure replete with harshness and severity towards our officers and men so removed; since they have been thus subjected to an inconvenient and dangerous sea voyage, (by which many, as I am informed by Mr. Mitchell, have suffered much,) and placed in a situation more remote and difficult as to communication for exchange, without any plea of necessity or safety. What was intended by this removal, or what other measures of a similar nature may be in contemplation by your officers, is not for me to anticipate; but it is proper to inform you that letters have been received from some of our officers of rank, prisoners in Canada, communicating that it has been intimated by the commander of the British forces that he intended sending a considerable part of our land forces to England, and among them some, if not all, of the General officers. I find in your letter of the 22d instant, the following passage: "You will perceive, from my letter to you of the 17th instant, that his Excellency Sir George Prevost has found it necessary to send a number of American officers, non-commissioned officers, and privates, from Quebec to Halifax. I regret this circumstance, as we were, as you say, on the eve of exchanging them by a land route; that is now out of our power. I request your answer for the proposal contained in my letter of the 17th instant."

Am I to understand from this that all the American prisoners are already, or will be, removed from Quebec? My impressions were, that you hold there about double the number of those reported to have been sent to Halifax. Be pleased to inform me on this subject.

If the remaining part of the troops be not removed, I must remonstrate, in the most positive terms, as well against what has been done, as against any future removal of our officers or men from the station in Canada appointed for exchanges, to other and distant stations, by useless and harassing voyages by sea.

HARLEM, October 1, 1813.

SIR: In my letter to you of the 27th of September, in answer to yours of the 22d of that month, I acquainted you that Lieutenant Miller, His Majesty's agent for transports and prisoners of war at Halifax, had not, in his communications to me, made mention of any American prisoners having been sent to England, and that Rear Admiral Griffith had also been silent on that subject. I at the same time gave you my reasons for doubting the fact.

I yesterday, however, received a letter from Lieutenant Miller, dated the 17th of September, in which were enclosed copies of the names of one hundred and one naval and fifty-nine military prisoners sent to England in His Majesty's ships Melpomene and Regulus. Copies of these lists I have the honor to enclose you. You will

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perceive that the fifty-nine soldiers sent to England are deserters from His Majesty's service, and the name of the regiment to which each of them belonged placed opposite their names. With respect to the one hundred and one seamen, you will observe that Lieutenant Miller notices three who were sent, "supposed to be British subjects," opposite to whose names he has made this notice (†). He has also placed a mark (\*) opposite to the names of fifteen other seamen, who he says are "men who have been twice found in arms before they were exchanged." Eighty-three of the seamen sent to England have no mark opposite to their names. I regret this circumstance, as it is my anxious wish to give every possible information on the subject. I apprehend they are men who have acknowledged themselves to be British subjects. I shall, however, avail myself of the earliest conveyance to request Lieu-

tenant Miller to give me the reasons respecting the eighty-three seamen thus sent to England, and shall communicate it to you when received.

A copy of the return of sixteen American prisoners confined in the town jail at Halifax, as a retaliatory measure for eight British prisoners imprisoned in the United States, I transmit herewith. Four of these are confined for Squirrell and Russell, of His Majesty's ship *Dragon*; but as you have since released Squirrell and Russell, and I have sent Admiral Sir John B. Warren notice of it, the four men now in confinement will be released the instant my letter is received. I shall forward a duplicate, and also write Lieutenant Miller to release the four American prisoners confined for Squirrell and Russell.

I have the honor to be, sir, your ob't servant,  
THOMAS BARCLAY.

Gen. JOHN MASON, &c.

*List of one hundred American prisoners of war discharged from the custody of Lieutenant William Miller, agent for prisoners of war at Halifax, Nova Scotia, per order of Edward Griffith, Esq., Rear Admiral of the Blue, commanding in port, &c.*

No.	Name of prize.	Whether man-of-war, privateer, or merchant vessel.	Prisoners' names.	Quality.	Time when discharged.	Whither, and by what order, and the date thereof.
1	Wiley Reynard	Privateer	Thomas Costen	Gunner	Sept. 1813	His Majesty's ship <i>Regulus</i> , for England, per order of Rear Admiral Griffith, commanding His Majesty's ships, Halifax harbor.
2	"	"	John Jones	Boatswain	Sept. 1813	
3	"	"	John Jackson	Cook	Sept. 1813	
4	"	"	Henry Butler	Steward	Sept. 1813	
5	"	"	John Carles	Seaman	Sept. 1813	
6	"	"	John Brisk	Seaman	Sept. 1813	
7	"	"	John Machahan	Seaman	Sept. 1813	
8	"	"	John Boyer	Seaman	Sept. 1813	
9	"	"	William Kirkpatrick	Seaman	Sept. 1813	
10	"	"	Perry Hall	Seaman	Sept. 1813	
11	"	"	William Lindsey	Seaman	Sept. 1813	
12	"	"	†Hezekiah Wilson	Seaman	Sept. 1813	
13	"	"	Manuel Tois	Seaman	Sept. 1813	
14	"	"	Joseph Wood	Seaman	Sept. 1813	
15	"	"	Joseph Brown	Seaman	Sept. 1813	
16	"	"	N. Holden	Seaman	Sept. 1813	
17	"	"	Charles Kingman	Seaman	Sept. 1813	
18	Thorn	Privateer	†Robert Parker	Seaman	Sept. 1813	
19	"	"	Joseph Forrester	Seaman	Sept. 1813	
20	Hunter	Privateer	Zachariah Owen	Seaman	Sept. 1813	
21	Cossack	Privateer	George Pider	Seaman	Sept. 1813	
22	"	"	Nathaniel Weston	Seaman	Sept. 1813	
23	"	"	Charles Greene	Seaman	Sept. 1813	
24	"	"	Benjamin Ward	Seaman	Sept. 1813	
25	"	"	Benjamin Hill	Seaman	Sept. 1813	
26	Montgomery	Privateer	Daniel Ropes	Seaman	Sept. 1813	
27	"	"	Es. Henfield	Seaman	Sept. 1813	
28	"	"	William Clark	Seaman	Sept. 1813	
29	"	"	William Wanton	Seaman	Sept. 1813	
30	"	"	John Forbes	Seaman	Sept. 1813	
31	"	"	Thomas Sparks	Seaman	Sept. 1813	
32	Julian Smith	Privateer	John Phinney	Seaman	Sept. 1813	
33	"	"	Asa Higgins	Seaman	Sept. 1813	
34	"	"	George Lawrence	Seaman	Sept. 1813	
35	"	"	Nich. Verplust	Seaman	Sept. 1813	
36	"	"	Thomas Snow	Seaman	Sept. 1813	
37	Enterprise	Privateer	Joseph Cloutman	Seaman	Sept. 1813	
38	"	"	John Widger	Seaman	Sept. 1813	
39	"	"	Peter Melzard	Seaman	Sept. 1813	

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No.	Name of prize.	Whether man-of-war, privateer, or merchant vessel.	Prisoners' names.	Quality.	Time when discharged.	Whither, and by what order, and the date thereof.
40	Enterprise,	Privateer,	Nathan Fuller	Seaman	Sept. 1813	His Majesty's ship <i>Regulus</i> , per order of Rear Admiral Griffith, commanding His Majesty's ships, Halifax harbor.
41	-	-	John Cloth,	Seaman	Sept. 1813	
42	-	-	Henry Torry	Seaman	Sept. 1813	
43	-	-	Robert Russell	Seaman	Sept. 1813	
44	-	-	Frederick Williams	Seaman	Sept. 1813	
45	-	-	* Jesse Goss	Seaman	Sept. 1813	
46	-	-	* William Cloth	Seaman	Sept. 1813	
47	-	-	* Isaiah Pettigal	Seaman	Sept. 1813	
48	Gov. Plumer,	Privateer,	John Tarlton	Seaman	Sept. 1813	
49	-	-	Isaac McKenny	Seaman	Sept. 1813	
50	-	-	John Varney	Seaman	Sept. 1813	
51	-	-	Samuel Moore	Seaman	Sept. 1813	
52	Teaser,	Privateer,	* M. Waterhouse	Seaman	Sept. 1813	
53	Porcupine,	Letter of Marque,	* Abraham Francis	Seaman	Sept. 1813	
54	-	-	* Daniel Lucas	Seaman	Sept. 1813	
55	-	-	* Jacob Johnson	Seaman	Sept. 1813	
56	-	-	* James Andrews	Seaman	Sept. 1813	
57	Thomas,	Privateer,	John Thompson	Seaman	Sept. 1813	
58	-	-	John Card	Seaman	Sept. 1813	
59	-	-	Robert Hillsbrook	Seaman	Sept. 1813	
60	-	-	Henry Pitman	Seaman	Sept. 1813	
61	-	-	John Marshal	Seaman	Sept. 1813	
62	-	-	Pellere McIntire	Seaman	Sept. 1813	
63	-	-	* Jeremiah Drisco	Seaman	Sept. 1813	
64	-	-	* Ephraim Crass	Seaman	Sept. 1813	
65	Rolla,	Privateer,	Robert Brown	Seaman	Sept. 1813	
66	-	-	Thomas Ferguson	Seaman	Sept. 1813	
67	-	-	James Hunter	Seaman	Sept. 1813	
68	-	-	Robert Forsyth	Seaman	Sept. 1813	
69	Wasp,	Privateer,	Edward Cooper	Seaman	Sept. 1813	
70	-	-	James Richardson	Seaman	Sept. 1813	
71	-	-	Elisha Smith	Seaman	Sept. 1813	
72	-	-	Asa Tufties	Seaman	Sept. 1813	
73	-	-	Joseph Spaulding	Seaman	Sept. 1813	
74	-	-	Robert Stoddard	Seaman	Sept. 1813	
75	Yorktown,	Privateer,	G. W. Hamilton	Seaman	Sept. 1813	
76	-	-	Goodman Anderson	Seaman	Sept. 1813	
77	-	-	John Jessamine	Seaman	Sept. 1813	
78	-	-	† John Davis	Seaman	Sept. 1813	
79	-	-	Charles Blake	Seaman	Sept. 1813	
80	-	-	* Elisha Punal	Seaman	Sept. 1813	
81	-	-	* Henry Bump	Seaman	Sept. 1813	
82	-	-	* Charles Johnson	Seaman	Sept. 1813	
83	-	-	Samuel Golding	Seaman	Sept. 1813	
84	-	-	Isaac Gilbert	Seaman	Sept. 1813	
85	-	-	James Wilson	Seaman	Sept. 1813	
86	-	-	* W. Rodgers	Seaman	Sept. 1813	
87	-	-	Richard Eddy	Seaman	Sept. 1813	
88	-	-	John McKay	Seaman	Sept. 1813	
89	-	-	Hans Selby	Seaman	Sept. 1813	
90	-	-	Charles Brown	Seaman	Sept. 1813	
91	-	-	Daniel Stroms	Seaman	Sept. 1813	
92	Lavinia, R. C., from Yorktown,	Privateer,	Edward Phillips	Paymaster	Sept. 1813	
93	Snap Dragon,	Privateer,	John Burne	Seaman	Sept. 1813	His Majesty's ship <i>Regulus</i> , per order of Rear Admiral Griffith, commanding His Majesty's ships, Halifax harbor.
94	Polly,	Privateer,	William Brown	Seaman	Sept. 1813	
95	-	-	John Cook	Seaman	Sept. 1813	
96	Columbia,	Privateer,	* Isaac Hawkins	Seaman	Sept. 1813	
97	Ulysses,	Letter of Marque,	James Birmingham	Seaman	Sept. 1813	
98	Fox,	Privateer,	Thomas Browne	Seaman	Sept. 1813	
99	Thomas,	Privateer,	Thomas Hutt	Seaman	Sept. 1813	
100	Yorktown,	Privateer,	James Evert	Seaman	Sept. 1813	
101	-	-	James Walling	Seaman	Sept. 1813	

The foregoing American prisoners of war victualled at Melville Island the day discharged.

W. MILLER, Agent for Prisoners of War.

\* Men who have been twice found in arms before they were exchanged. † Supposed to be British subjects.

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*List of American prisoners, being British subjects, received into the custody of William Miller, and sent to England on board the Melpomene.*

No.	Prisoners' names.	Time when taken.	Name of British regiment to which they belonged.	Whither and by what order discharged.
1	John Doud, - - -	24th June, 1813,	14th regiment of foot.	Sent to England in His Majesty's ship Melpomene, per order of Rear Admiral Griffith.
2	John McGowan, - - -	24th June, 1813,	14th regiment of foot.	
3	John Brown, - - -	24th June, 1813,	14th regiment of foot.	
4	James Henry, - - -	24th June, 1813,	14th regiment of foot.	
5	Darby Cannody, - - -	24th June, 1813,	14th regiment of foot.	
6	Patrick McDennis, - - -	24th June, 1813,	14th regiment of foot.	
7	James Carey, - - -	24th June, 1813,	14th regiment of foot.	
8	James Given, - - -	24th June, 1813,	14th regiment of foot.	
9	Hindren Anderson, - - -	24th June, 1813,	14th regiment of foot.	
10	John Mackey, - - -	24th June, 1813,	14th regiment of foot.	
11	Thomas Stewart, - - -	24th June, 1813,	14th regiment of foot.	
12	Robert Maxwell, - - -	24th June, 1813,	14th regiment of foot.	
13	Matthew Flaherty, - - -	24th June, 1813,	14th regiment of foot.	
14	James Miller, - - -	24th June, 1813,	14th regiment of foot.	
15	James Scott, - - -	24th June, 1813,	14th regiment of foot.	
16	Hugh McGuire, - - -	24th June, 1813,	14th regiment of foot.	
17	Edward Cranney, - - -	24th June, 1813,	6th regiment of foot.	
18	Andrew Coke, - - -	24th June, 1813,	6th regiment of foot.	
19	G. McHendrick, - - -	24th June, 1813,	1st light artillery.	
20	Thomas Taggart, - - -	24th June, 1813,	14th regiment of foot.	
21	Thomas S. Newland, - - -	24th June, 1813,	14th regiment of foot.	
22	J. Fitzpatrick, - - -	24th June, 1813,	14th regiment of foot.	
23	James Loury, - - -	24th June, 1813,	14th regiment of foot.	
24	Michael Wayne, - - -	24th June, 1813,	14th regiment of foot.	
25	John Lynch, - - -	24th June, 1813,	14th regiment of foot.	
26	Thomas Clayton, - - -	24th June, 1813,	14th regiment of foot.	
27	James Evans, - - -	24th June, 1813,	14th regiment of foot.	
28	Barney Hoy, - - -	24th June, 1813,	14th regiment of foot.	
29	Major Watson, - - -	24th June, 1813,	14th regiment of foot.	
30	Matthew Campbell, - - -	24th June, 1813,	14th regiment of foot.	
31	John Napernay, - - -	24th June, 1813,	14th regiment of foot.	
32	William Melvin, - - -	24th June, 1813,	14th regiment of foot.	
33	William McRoy, - - -	24th June, 1813,	14th regiment of foot.	
34	Edward Evans, - - -	24th June, 1813,	14th regiment of foot.	
35	Charles McKeever, - - -	24th June, 1813,	14th regiment of foot.	
36	Charles Dencon, - - -	24th June, 1813,	14th regiment of foot.	
37	Edward Denmade, - - -	24th June, 1813,	14th regiment of foot.	
38	George Courtney, - - -	24th June, 1813,	14th regiment of foot.	
39	William Sloin, - - -	24th June, 1813,	14th regiment of foot.	
40	Archibald Patterson, - - -	24th June, 1813,	14th regiment of foot.	
41	Robert Norton, - - -	24th June, 1813,	6th regiment of foot.	
42	Edward Gorman, - - -	24th June, 1813,	6th regiment of foot.	
43	Dominick Cannon, - - -	24th June, 1813,	14th regiment of foot.	
44	James Hunter, - - -	24th June, 1813,	6th regiment of foot.	
45	James Brown, - - -	24th June, 1813,	14th regiment of foot.	
46	John Barlow, - - -	24th June, 1813,	5th regiment of foot.	
47	William Kelly, - - -	24th June, 1813,	14th regiment of foot.	
48	Patrick Cahoe, - - -	24th June, 1813,	14th regiment of foot.	
49	John Eagan, - - -	24th June, 1813,	1st regiment of foot.	
50	Samuel Gray, - - -	24th June, 1813,	14th regiment of foot.	
51	William McEver, - - -	24th June, 1813,	14th regiment of foot.	
52	John Smith, - - -	24th June, 1813,	14th regiment of foot.	
53	John Todd, - - -	24th June, 1813,	14th regiment of foot.	
54	George McMullen, - - -	24th June, 1813,	14th regiment of foot.	
55	Charles Kelley, - - -	24th June, 1813,	14th regiment of foot.	
56	John Smiely, - - -	24th June, 1813,	14th regiment of foot.	
57	Benj. McConagehy, - - -	24th June, 1813,	14th regiment of foot.	
58	Con. O'Neil, - - -	24th June, 1813,	14th regiment of foot.	
59	John Fenney, - - -	24th June, 1813,	14th regiment of foot.	

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Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

OCTOBER 3, 1813.

I have prepared an extract of that letter [from the Commissary General of Prisoners, of 22d September] to be sent with one from me to Lieutenant Miller, His Majesty's agent for prisoners at Halifax, requesting him to inform me whether the American prisoners confined in the town jail at that place are treated in the manner it has been reported to you, and stating the nature of the confinement and treatment the British prisoners experience who are held under retaliatory orders from this Government. I cannot persuade myself they are put in such places as those you describe, because Mr. Miller writes me they are confined in the town jail. If they were immured in cells under ground, I think he would have so expressed himself.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

OCTOBER 4, 1813.

I assure you that I had no information of the sending, or the intention of sending, the American prisoners from Quebec to Halifax, until I received Lieutenant Miller's letter on the subject, and I did not delay a moment to communicate to you an event equally opposed to my inclination and yours. I, however, am convinced Sir George had good reasons for the measures. I do not know of any other prisoners having been sent to England than those specified in the two lists enclosed to you on the 1st instant. These were, or at least are stated to be, native subjects of His Majesty. It is not to be credited that *bona fide* American citizens, prisoners of war, unless under very special circumstances, will be sent to England.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

OCTOBER 9, 1813.

Your several letters of the 1st, 3d, and 4th of this month have been received. With respect to the seamen and soldiers (American) sent from Halifax to England, whose case I stated in my letter of the 22d September, and lists of whom you have sent me, I will at present only remark, that, as to the fifty-nine soldiers, I am by no means prepared to admit that they were deserters from the British service when they enlisted in ours. The list even which you send does not so state it, but as to part; and, in the next place, when the prisoners of either party are taken from the ordinary state of prisoners, are sent off, or are confined, or rigidly treated, under any plea, the other has a right to expect more full and satisfactory evidence than such as you exhibit. Mr. Mitchell, our agent at Halifax, applied in vain to have these men examined, or some evidence adduced respecting them. Again, what has been furnished by your agents is contradictory in itself. The list furnished Mr. Mitchell at Halifax is headed, "Return of soldiers taken in arms in

Upper Canada, belonging to the United States' Army, who have delivered themselves up as British subjects." In the list you have furnished, that plea is abandoned, and they are called, in part at least, deserters. I beg leave to refer you (as you have the correspondence) to the letter of Mr. Mitchell to Mr. Miller, of the 1st of September, where he remonstrates on this subject, and states that one of the soldiers he had conversed with, and the only one he had seen, claimed to be an American, named the State and county in which he was born, and entreated his interference. On the list of the one hundred and one seamen, American prisoners, sent off to England, you admit that against eighty-three you know of no charge; you apprehend they have given themselves up as British subjects. You state that three are supposed to be British subjects, and that fifteen have been twice taken in arms.

You cannot certainly apprehend that American citizens, native or naturalized, would give themselves up as British subjects; and it is almost as difficult to suppose that a British subject, if there were such taken in arms against his country, would voluntarily discover himself. These are self-evident propositions, about which no argument is necessary.

If there were any taken twice in arms, a treatment different from that to ordinary prisoners was to have been expected; but we claim, and shall insist on being furnished with, the circumstances attending each case, as I furnished you, in the case of Midshipman Lightbody, in my letter of the 13th of June, that an opportunity may be afforded of examining into the facts; and, until such information is given, it must be considered that these men so detained are unjustly treated by your officers.

I shall probably soon have some cases of a similar kind to bring to your notice, and I solicit your attention to the course to be adopted, as well as to proofs as to treatment.

Extract of a letter from the Commissary General of Prisoners to the Marshal of Massachusetts, dated

WASHINGTON, October 11, 1813.

SIR: Since the date of my letter of the 28th September, directing the confinement, and its particular manner in each case, of six officers and one hundred seamen, I have received letters from our agent, Mr. Mitchell, at Halifax, dated the 12th of September, by which I find the nature of the confinement of the six officers and ten of the Chesapeake's crew, which I then described to you, although yet inhumanly rigid, is somewhat changed. The following is the passage of his letter on the subject: "I visited, to-day, the jail and prison at Melville island. I found the six officers removed to the upper part of the jail; the room is tolerable, though small for six persons, who are allowed no exercise out of it. The ten of the Chesapeake's crew are still in the cells, but are allowed to walk in the yard in the day, while sentinels attend. The allowance of the whole is the same as at Melville island." I understand,

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by this, that the six American officers of privates and merchantmen have been taken out of the dungeon and put into a small upper room, and there constantly kept; and that the two under officers and eight men of the Chesapeake are still confined in the same dungeons before described to you, but are allowed to walk occasionally in the day, under guard. You are, therefore, now requested, sir, to make the mode of confinement, as nearly as possible, of the six officers and ten under officers and crew of the Boxer, directed, in my order of the 28th, to be as nearly as possible similar, for each class, to that described in the foregoing extract from Mr. Mitchell.

OFFICE COMM'RY GEN'L OF PRISONERS.  
WASHINGTON, *October 12, 1813.*

SIR: This will instruct you, by order of the President, to designate, immediately on reception of this letter, fifty-nine prisoners, British subjects, in your custody, soldiers or marines, not of the militia, and the first in preference, if you have as many, whom you will separate from the ordinary prisoners, place in close confinement, so as to prevent certainly the means of escape; and you will so hold them, subject to further orders from this office, as hostages, to answer for the safety and proper treatment of fifty-nine of our prisoners, soldiers, unjustifiably lately sent, in confinement, from Halifax to England. In making your designation for this purpose, if you hold more than the requisite number of soldiers, (many of whom, I understand, served as marines on board the fleet lately captured on the lake,) you will designate by lot; and so, too, with the marines, if you have recourse to them next in order. When you have completed your designation, you will make an immediate return to this office, descriptive of names, corps to which belonging, where captured, &c.

You will inform the unfortunate men, so selected and confined, fully of the cause of this measure. You will issue to them the same rations, &c., allowed to other prisoners; and you will in no way make their treatment more rigid, at this time, than may be necessary to prevent escape. I have the honor to be, &c.

J. MASON.

THOMAS STEELE, Esq.  
*Deputy Marshal of Ohio.*

Extract of a letter from John Mitchell, Esq., United States' agent for prisoners of war in Nova Scotia, to the Commissary General of Prisoners.

SHERWOOD, NEAR HALIFAX,  
*October 18, 1813.*

I send you herewith a copy of a letter I received yesterday from Lieutenant Miller, agent for prisoners here, dated the 17th.

You will perceive he reverts back to my letter and inquiry, dated the 4th, in order to communicate the intention of the Commander-in-chief to send to England the major part of the prisoners at this station; here, then, we have, without disguise, the intentions of the Commander-in-chief,

and we, I presume, will take measures accordingly, and efficient ones.

Our people are at present very sickly at Melville island; there are daily deaths; the climate is very inimical to our people, especially such as are anywise inclined to complaints in the breast; and the troops from Canada have suffered much from diarrhoea here; there are of them from fifteen to twenty constantly in the hospital. We have lost above thirty persons within a month past; and there are fifty-six persons now in the hospitals, and, from appearances, [the 15th] most of them dangerously ill. In general, they are in good spirits, and all preferring to suffer, rather than our Government to suffer itself to be dictated to, or to sacrifice any right.

Extract of a letter from Lieutenant Miller, agent for British prisoners, to John Mitchell, Esq., agent for American prisoners at Halifax.

OCTOBER 17, 1813.

I have also communed with the Commander-in-chief on that part of your letter of the 4th instant, wherein you request to be informed whether there is any prospect of a cartel being sent from hence to the United States with prisoners of war, and what number will probably be sent before Winter sets in.

I am directed to state, that, in consequence of the present measures adopted by the American Government towards British prisoners of war, and their detention in various parts of the United States, contrary to the stipulated agreement in the cartel, he is determined to send the major part of those now in my custody to England, as soon as the transports arrive from Quebec.

Mr. Mason to Colonel Barclay.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, *Nov. 23, 1813.*

SIR: When you were lately at the seat of Government, I communicated to you, personally, that retaliatory measures had been resorted to by this Government for certain highly unjustifiable acts of your officers at Halifax, stated at large in my letter to you of the 23d of September.

I now transmit you two returns from the Marshal of Massachusetts; one of one hundred and one British maritime prisoners of war, designated and confined to answer in their persons for the proper treatment and safety of one hundred and one American maritime prisoners of war, enumerated in the same return, taken from the ordinary state of prisoners at Halifax, and sent to England for trial; and one of sixteen British maritime prisoners of war, confined, six in close custody, and ten in dungeons, as hostages in like manner, and in retaliation for similar severity inflicted on sixteen American maritime prisoners, also there described. Orders have been given to designate and confine, separately from the other non-paroled prisoners, fifty-nine British soldiers, prisoners of war at Chillicothe, in the State of Ohio, to be held to answer for the safety and proper treatment of fifty-nine American soldiers



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sent to England from Halifax in August last, in the manner before mentioned. As to our maritime prisoners, relative to whom returns have not yet been received, as soon as they come in a copy shall be furnished to you.

As the settled determination of this Government, on subjects of this nature, has been already more than once made known to you, I shall, on this occasion, make but few remarks. In my letter of the 9th of October, I adverted to the singular heading used by your officers, and then for the first time resorted to, which was placed over the returns of our prisoners, designated for the purposes before mentioned, declaring that they had given themselves up as British subjects. This I then insisted, from the very nature of the case, carried with it its own contradiction.

First, protesting against any construction which may be used, in the most remote degree, to throw the proofs in such cases on this Government, and against all commitment as to the description of persons captured in our service, whom it may deem proper to claim and defend, I have now to inform you sir, that I have in my possession the means of showing the falsity of that declaration, by documents of the most minute and unquestionable kind, establishing the birth, within the United States, of very many of our prisoners so designated and described. (a)

But, sir, these are not the only cases in which it is plainly shown how the conduct of your officers, in seizing and separating our captured men from the ordinary state of prisoners, and subjecting them to long and painful confinement, has stood self-condemned on their own assumed ground. I will instance, among many that might be cited, the cases of five at least of the six men from the crew of the *Nautilus*; the six men of the crew of the privateer *Sarah Ann*, thus taken, long held, and finally discharged; and the twelve men of the crew of the *Wasp*, taken and held in like manner, three of whom have fallen a sacrifice to, and died during, severe confinement, and the remaining nine, as you have informed me, are at length restored to the ordinary state of prisoners in Halifax for exchange. In this last instance I refer you, sir, to the letter from Commodore Beresford to Admiral Warren, of which I furnished you a copy, and in which he states, explicitly, that he had designated and detained them merely on suspicion, and because our officers could not, of their own knowledge, declare that they were native born Americans.

I have the honor to be, &c.

J. MASON.

Col. THOS. BARCLAY, &c.

(a) *Note by the Commissary General of Prisoners.*

Documents have been already lodged in this office which prove that, of the one hundred and one seamen, shown in the list furnished the American agent at Halifax, by Lieutenant Miller, the British agent for prisoners, in his letter of the 1st September, to be sent to England as British subjects, forty were born in the United States, as enumerated below. Respecting the name to

which this (†) is affixed, see Colonel Barclay's letter of the 1st October.

1. Thomas Coston, Northampton, Virginia.
5. John Carles, Hillsborough, New Hampshire.
7. John Machahan, New Jersey.
14. Joseph Wood, Norfolk, Virginia.
16. Nathaniel Holden, Gloucester, Massachusetts.
17. Charles Kingman, Boston, Massachusetts, 12th February, 1797.
- †18. Robert Barker, alias Parker, Danvers, Massachusetts, certificate of citizenship dated 16th August, 1797.
22. Nathaniel Weston, Salem, Massachusetts, 2d February, 1793.
23. Charles Greene, Newburyport, Massachusetts, 17th September, 1792.
25. Benjamin Hill, Salem, Massachusetts, 11th December, 1791.
28. William Clarke, Marblehead, Massachusetts, 30th September, 1789, baptized.
26. Daniel Ropes, Salem, Massachusetts.
30. John Forbes, Salem, Massachusetts, 3d October, 1784, baptized.
34. George Lawrence, Salem, Massachusetts.
37. Joseph Cloutman, Marblehead, Massachusetts, 24th March, 1793, baptized.
38. John Widger, Marblehead, Massachusetts, baptized 8th May, 1783.
39. Peter Melzard, Marblehead, Massachusetts, baptized 29th September, 1793.
41. John A. Clothy, Marblehead, Massachusetts.
43. R. M. Russell, Marblehead, Massachusetts.
45. Jesse Goss, Marblehead, Massachusetts, baptized 3d April, 1796.
46. William Clothy, Marblehead, Massachusetts, certificate of citizenship 13th April, 1799.
47. Josiah Pettinghall, Danvers, Massachusetts, 21st January, 1796.
48. John Tarlton, Newcastle, Maine, certificate of citizenship 5th February, 1806.
49. Isaac McKenny, Scarborough, Maine, certificate of citizenship 11th November, 1811.
50. John Varney, Wells, Maine, 13th October, 1792.
51. Samuel Moore, Camden, Maine.
53. Abraham Francis, Marblehead, Massachusetts, 12th June, 1799.
56. James Andrews, Boston, Massachusetts, 30th January, 1792.
58. John Card, Newcastle, Maine, certificate of citizenship 28th April, 1812.
59. Robert Holbrook, Portsmouth, New Hampshire, certificate of citizenship 6th August, 1812.
60. Henry Pitman, Portsmouth, New Hampshire, 1790.
61. John Marshall, Portsmouth, New Hampshire, certificate of citizenship 12th March, 1811.
62. Pelere McIntire, Alfred, Maine, certificate of citizenship 16th August, 1797.
63. Jeremiah Drisco, Portsmouth, New Hampshire, certificate of citizenship 22d March, 1809.
64. Ephraim Cross, Andover, Massachusetts, certificate of citizenship 11th July, 1801.
67. James Hunter, Boston, Massachusetts, certificate of citizenship 5th October, 1801.

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70. James Richardson, Woburn, Massachusetts, certificate of citizenship 9th August, 1805.

71. Elisha Smith, Beverly, Massachusetts, baptized 25th May, 1777.

94. William F. Brown, Salem, Massachusetts; baptized 7th October, 1792; certificate 1st October, 1812.

95. John Cook, Salem, Massachusetts, certificate of citizenship 30th May, 1806.

Colonel Barclay to Mr. Mason.

HARLEM, November 30, 1813.

Sir: I have received your letter of the 24th instant, with copies of two lists from the Marshal of Massachusetts; the first exhibiting the names of one hundred and one British maritime prisoners of war, designated and confined, as you inform me, to answer in their persons for the proper treatment and safety of one hundred and one American maritime prisoners, enumerated in the same list, taken from the ordinary state of prisoners at Halifax, and sent to England for trial; the second list details the names of sixteen other British seamen, prisoners, confined, six of them in close custody, and ten in dungeons, as hostages, in like manner, and in retaliation for similar severity inflicted on sixteen American seamen, prisoners, therein described.

You acquaint me, at the same time, that orders have been given to designate and confine, separately from the non-paroled other prisoners, fifty-nine British soldiers, prisoners at Chillicothe, in the State of Ohio, to be held to answer for the safety and proper treatment of a similar number of American soldiers sent to England from Halifax, relative to whom returns had not yet been received, but that when they came in a copy should be sent me.

I am much obliged to you for the list sent, and will thank you for a copy of the third list when you receive the original.

I have more than once stated to you, sir, that I had been directed by my Government to abstain from intermeddling on these unpleasant national points, but to leave them to be discussed and arranged by the two Governments.

If your Government, as you hint, is in possession of any documents that may tend to the release of any Americans confined in a special manner, and feels inclined to communicate them to His Majesty's Ministers, or to Admiral Sir John Warren, I will with pleasure transmit them.

I refrain making any remarks on several expressions you have used in your letter; it is probable, had you re-examined the letter, you would either have omitted or softened them. Harsh expressions tend to irritate, not to convince.

Were I authorized to enter upon the subject of your remarks, I should state, as known and acknowledged principles, that a sovereign has a right to inquire, by the ordinary process of law, whether any of the persons made prisoners during war, by his forces, naval or military, are his subjects, and, on conviction, to punish them accordingly; that reasonable suspicion was sufficient

ground to direct an inquiry; that it was the duty of His Majesty's officers to apprehend and send to England for trial all such prisoners as there were strong reasons to believe were native subjects of His Majesty. I should, at the same time, acquaint you that on such trials the *onus probandi* lay on the part of the prosecution, and that evidence on the part of the prisoner could only be necessary to rebut other testimony.

I shall avail myself of the earliest conveyances to transmit to His Majesty's commissioners, and to the Admiral-in-chief, copies of your letter, and of the list above-mentioned.

I have the honor to be, &c.

THOMAS BARCLAY.

General MASON.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners.

DECEMBER 9, 1813.

On the receipt of your letter to me of the 22d of September, in which you communicate the information Mr. Mitchell, the American agent for prisoners of war at Halifax, had detailed to you, respecting the treatment of sixteen American prisoners, placed in close confinement at Halifax, on principles of retaliation, I remarked in my reply, that although I would not hazard, from want of information, to contradict Mr. Mitchell's assertions, still that I could not give credit to them, as they differed so materially from Rear Admiral Griffith's and Lieutenant Miller's representation.

Anxious to obtain satisfactory information on this point, I availed myself of the earliest information to request of Lieutenant Miller a correct and particular description of the places in which these sixteen Americans were confined in the town jail of Halifax, and the treatment they receive, together with a general description of the prison-ship and hospital at Melville island, where ordinary prisoners of war are confined. By the same conveyance, I requested a mercantile friend of mine to visit the jail where the sixteen American prisoners were confined, examine their apartments, and minutely to inspect the prison-ship and hospital at Melville island.

I yesterday received Lieutenant Miller's official answer, also a private letter from my friend, extracts of which I have the honor to enclose to you. I also enclose an extract of that part of your letter to me of the 22d September, in which you communicate the statement which Mr. Mitchell had transmitted to you of the dungeons, dark and impure receptacles of wretchedness, &c., in which sixteen prisoners were confined. You will be pleased to contrast the whole together, and draw such conclusions therefrom as the respective documents merit.

I beg you will notice particularly the enclosed copy of a letter from the Sheriff of Halifax to Lieutenant Miller, on the subject of the rooms in which the prisoners were confined, and a copy of Mr. Mitchell's letter to Lieutenant Miller, in which he acknowledges that the removal of the

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prisoners from the rooms in which they were confined in the jail to the common prison on Melville island, "was a change not for the better." With respect to the prison on Melville island, or the treatment the prisoners received there, I do not recollect your having at any time made complaint. I have personally examined several American prisoners on the subject, who expressed their satisfaction as to the place and treatment, and observed that confinement and a scanty allowance were all they complained of. The prisoners, from Mr. Mitchell's account, appear to regret the "dark and impure receptacles of wretchedness" they have left, which they prefer to the pleasant, healthy, and comfortable island on which they are now confined. For this exchange they are wholly indebted to Mr. Mitchell.

Copy of a letter from Mr. Mitchell to Lieutenant Miller, dated

SHERWOOD, November 3, 1813.

SIR: I was honored with your letter of the 25th ultimo, informing me of the removal of the American prisoners from the town jail to the prison-ship at Melville island; and that removal I presumed would have been an amelioration of their situation; but on visiting them yesterday, I learned from them that their situation is worse than the town jail, except the indulgence of the prison-yard and of seeing their fellow-prisoners; on the whole, the change for them is not a change for the better.

I have the honor to be, &c.

JOHN MITCHELL.

HALIFAX, November 8, 1813.

MY DEAR SIR: Agreeably to your request, I, on the 6th instant, went through the jail, and every part of the prison-ship, other jails, and hospitals for the prisoners. I found that every part of the jail was perfectly dry and comfortable; there are no dungeons; the rooms where the Americans were confined are about twelve feet by seven, a window opening to fresh air, and another in the door, which communicates with a large hall. The jail is in a high part of the town, and these rooms are about two-thirds below the surface of the ground. The room the officers were confined in is in the second story, twenty feet by twelve, two windows, with fine prospects. From nine in the morning till four in the afternoon, the prisoners were permitted the free use of a large yard; rather, indeed, a field. In consequence of the false statements in the American newspapers, I am informed those prisoners who were in the jail are now on board the prison-ship. From the jail I went to Melville island, where the prison-ship lies, and on which the prisons, &c., are erected; it is a beautiful little island, surrounded by salt water, which supplies an abundance and variety of fish; the situation must be as healthy as any in the world. I first went through the prison-ship, which is very large, and kept in much better order than I could have anticipated. She is completely housed over, by which means they have tiers of apartments above water, and she is upwards of six feet clear between the beams. No

prisoners are kept in that part of the ship below water, and a great part of the day the prisoners are on shore in the open air, when the weather permits. I then went to the hospital room, which is in the upper part of a high building, where they have as much air as they please.

I am, with respect, sir, your ob't. servant.  
Colonel THOMAS BARCLAY, &c.

HALIFAX, November 24, 1813.

SIR: In reply to your letter of this day, requesting to be informed of the state and condition of the apartment assigned for the safe-keeping of several prisoners of war, ordered to be held in the county jail in September last, I beg leave to observe, that the apartments allotted to them were in every respect suitable, and sufficiently large and well ventilated, and every possible indulgence granted to them during their confinement, which was consistent with their situation. And I must beg leave to observe, when they understood that they were to return to Melville island, they expressed their sorrow at being removed, and acknowledged, in my presence, the indulgence which they had received from the jailer and his family. The first two or three days after they came to the jail, we were obliged to keep them rather more closely confined than they were afterwards, when three apartments were allotted to them, and the use of the entry for those below; and the privateersmen were put into a room by themselves, up stairs, sufficiently large for their accommodation.

I have the honor to be, &c.

JONES FAWSON,

Sheriff of the County of Halifax.

Lieut. MILLER, Agent for Prisoners, &c.

Extract of a letter from Lieutenant Miller, agent for British prisoners at Halifax, to Colonel Thomas Barclay, dated

NOVEMBER 24, 1813.

I have the honor to acknowledge the receipt of your letter of the 5th ultimo, enclosing me an extract taken from General Mason's, dated Washington, 22d September, 1813, and beg leave to transmit herewith, for your better information, the following particulars, which will evidently confute the authenticity of said extract.

Description of the town jail, viz: dimensions of each cell, eleven by seven feet eight inches; seven feet four inches high; windows, twenty-four by seventeen inches; another in the door nine inches square, together with being allowed a free intercourse during the night, with a passage of thirty by five feet, and eight feet high, at the end of which is a window of twenty-four by seventeen inches, with the use of other cells of the above dimensions, and windows as before described, were the places where ten prisoners were confined from four in the afternoon until nine o'clock in the morning.

The six officers were confined in an upper room, of twenty by twelve feet, and eight feet high, with two windows of four by three feet each, commanding a pleasant prospect of the sur-

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rounding country and harbor, with permission to take the air occasionally in a yard of eighty-four feet square (accompanied by the seamen.)

When confined on board the ship, they had the following accommodation: Between decks, twenty by fourteen feet, with two scuttles; also a similar space in the lower deck of the same dimensions and accommodations, with scuttles also, and permission to visit the prison yard from nine to four. P. M. With respect to the prisoners sent to England in the *Regulus*, was, in consequence of a number of prisoners being daily expected from Quebec, together with the crowded state of the prison, the season very hot, and the small-pox being very prevalent, the ultimate cause of Admiral Griffith's directing me to send them away. I also selected some who had endeavored to effect their escape, with others who had shown a mutinous disposition; and those marked thus (†) were supposed to be British subjects.

Having enclosed Captain Kempt's letter (at Quebec) respecting the soldiers suspected to be also British subjects, is all the information respecting them I have in my possession, in consequence of their never being in my custody, only inserted on my books, for the purpose of supplying them with a suit of clothes each.

Extract of a letter from Lieutenant William Miller, British agent for prisoners of war, to the right honorable Sir J. B. Warren, Bart., K. B., Admiral of the Blue and Commander-in-Chief, dated

HALIFAX, N. S., Nov. 25, 1813.

The following are the dimensions of the cells in the jail of Halifax: cells, about six feet beneath the surface, lined with plank all around.

Length, eleven feet to the door; breadth, seven feet eight inches; height, seven feet four inches.

Grate at the end for the admission of light and air.

Height, one foot eight inches; breadth, one foot five inches; small grate at each door.

Passage between the cells: Length, thirty feet; breadth, five feet; height, eight feet.

A grate at the end of the passage to cell doors.

A commodious room upstairs: Length, twenty feet three inches; breadth, twelve feet; height, eight feet; two windows fronting the road, four feet by three, with a chimney. This room fronts the main road, and the prisoners have a complete view of the harbor and surrounding country.

Area of the yard eighty-four feet, where the prisoners were permitted to remain from nine to four o'clock.

W. MILLER,  
*Agent for Prisoners of War.*

HARLEM, December 9, 1813.

SIR: Your letter of the 9th of October was on its way to this place at the moment I was on the road to Washington, and was afterwards transmitted to me thither. Both your time and mine were so wholly engaged during the period I remained at Washington that I had not a moment

in which to reply; and, on my return home, I was induced to delay the answer, in the hope of receiving full and satisfactory information from Lieutenant Miller, His Majesty's agent for prisoners. I yesterday received letters and documents from him, which I trust will remove many of the objections you have stated to me respecting the conduct of His Majesty's servants towards American prisoners.

In your letter above mentioned, you remark that "as to the fifty-nine soldiers, (alluding to those sent to England in His Majesty's ship *Melpomene*,) you are by no means prepared to admit that they were deserters from the British service when they enlisted into the United States' service; and that the list which I had forwarded to you did not so state it, but as to part." You further remark, that when the prisoners of either party are taken from the ordinary state of prisoners, and sent off, or are confined or rigidly treated, under any plea, the other has a right to expect more full and satisfactory evidence than that which I had exhibited to you; (alluding to the copies of papers from Lieutenant Miller on the subject of the fifty-nine men, and other papers,) that Mr. Mitchell, the American agent at Halifax, had applied in vain to have these men examined, or some evidence adduced respecting them; and that the papers transmitted to me by Lieutenant Miller were in contradiction to one delivered to Mr. Mitchell. That being called "return of soldiers taken in arms in Upper Canada belonging to the United States' Army, who have delivered themselves up as British deserters;" whereas, in the list sent me, that description was abandoned and the prisoners were called in part, at least, deserters.

It would ill comport with your private character as a citizen of the United States, or in your official capacity, to admit a fact unsolicited by His Majesty, and which would manifestly tend to the injury of individuals serving in the American Army. Whether these men are native subjects of His Majesty, and whether they are deserters from British regiments, are facts to be ascertained by the proper tribunals instituted in Great Britain. The men will have a fair trial, and, unless the facts are fully proved, they will be acquitted and placed with the American prisoners. I agree with you, sir, that very satisfactory information is due, in the cases referred to in the extract of your letter, from one nation to another; and I should imagine that the official returns of His Majesty's officers would, in the first instance, prove satisfactory so far as to induce your Government to consider there was sufficient cause for sending the fifty-nine prisoners to England for trial. I cannot believe that Mr. Mitchell has been refused any reasonable request for satisfactory information respecting the fifty-nine men; at the same time, permit me to add, that, if such is the fact, it precisely accords with the treatment I received on my application respecting Dennis and Morrison, seamen belonging to His Majesty's ship *Victorious*, claimed by the French agent, respecting whom, in my letter to

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you of the 11th of June, I made a reasonable and respectful request, which was neither attended to nor granted; on the contrary, these men were either delivered to the French agent or liberated, without affording me an opportunity of proving that they were not Frenchmen, by their own confession, in opposition to the depositions on which I take it for granted their release was founded.

It is not difficult to explain what appears to you contradictory, from the caption of the papers respectively sent by Lieutenant Miller to Mr. Mitchell and myself.

The first, from the description you gave me, and which, from being marked with inverted commas, appears a quotation from the documents sent from Mr. Miller, is styled "A return of soldiers taken in arms in Upper Canada, belonging to the United States' Army, who have delivered themselves up as British deserters." The second, to wit, the documents sent by Lieutenant Miller to me, and of which I transmitted you a just copy, is styled "A list of American prisoners of war received into the custody of Lieutenant Miller, and sent to England on board the *Melpomene*." On the top of this was written, in Lieutenant Miller's own hand, by way of memorandum, "sent to England, supposed to be British subjects." The list sent to me by Lieutenant Miller was an ordinary list to account for alterations since his last return of prisoners, and not to designate the cause of these men being sent. He was, therefore, under no obligation to be particular in describing the cause; indeed, it would have been incorrect in him to have stated the particulars in a common monthly list, intended merely to account for alterations during the month. Lieutenant Miller, however, in his official return to me of the 30th of September, heads that part of his list of American prisoners "Lists of British subjects found in arms in Upper Canada, and delivered themselves up, and sent to England." A copy of this part of his return I have the honor to enclose, which at once reconciles all the contradiction you originally supposed; and you will perceive that these British subjects are not "called in part," but each of them specified as belonging to a particular regiment. I confess, however, I am not fully satisfied whether the figures and words, 14th regiment, 6th regiment, 1st light infantry, 14th foot, and 1st, are intended as descriptive of the American regiments to which they belonged at the time they were made prisoners, or the British regiment from which it is said they originally deserted. On this point Lieutenant Miller informs me it is not in his power to afford any information. I shall, therefore, request an explanation from his Excellency Lieutenant General Sir George Prevost, and, on receiving his answer, communicate it to you.

With respect to the one hundred and one seamen sent to England in His Majesty's ship *Regulus*, what I originally stated to you, to wit, that three of them were considered British subjects, fifteen had been twice taken in arms prior to their exchange, and the other remaining eighty-three sent home under the character of Ameri-

can prisoners of war, without any allegation against them, appears to be correct. The motives for sending these eighty-three seamen to Great Britain are fully stated to me in Lieutenant Miller's letter of the 24th of November, an extract of which is enclosed in my letter of this date. The cause therein stated I confidently hope will be satisfactory to you, especially as the health, comfort, and convenience of the prisoners are the primary objects. To the same causes, I beg leave to add, you are to attribute the subsequent transmission of American prisoners.

The preceding statement of facts, I trust, will prove satisfactory to you with respect to ninety-eight of the one hundred and one seamen sent to England, and induce your Government to order the release of a similar number of British maritime prisoners, now confined under retaliatory orders, for them. As to the fifty-nine soldiers and three seamen, American prisoners, sent to Great Britain as subjects of His Majesty, and the corresponding number of British soldiers and seamen held in close confinement for them, I shall make no other remark than this, that the measures the American Government may think proper to adopt will never prevent His Majesty's exercising a right acknowledged by all civilized nations, with the exception of these States.

I have the honor to be, sir, &c.

THOMAS BARCLAY.

General MASON, &c.

Colonel Thomas Barclay to General Mason.

HARLEM, *December 15, 1813.*

SIR: From my letters to you of the 9th current, with the documents which accompanied them, you will perceive that the sixteen persons originally represented by Mr. Mitchell as having been confined in very improper places in the jail at Halifax, have, in consequence, (much to their regret, as Mr. Mitchell himself states,) been restored to their original place of confinement with the ordinary American prisoners. You will also notice that eighty-three out of the one hundred and one seamen now on their way to England in His Majesty's ship *Regulus*, were sent thither from motives of humanity and accommodation, equally applicable to themselves and those who remained in Halifax after their departure. The fifteen others of the one hundred and one seamen so sent come equally under this description. I allude to those twice taken in arms prior to being exchanged; although they may not be so readily exchanged as ordinary prisoners, still they will be placed with and receive the same treatment. There remains, in my opinion, therefore, out of the one hundred and one men, but three, on whom, with any plea for improper treatment, the retaliatory system can be exercised.

I beg leave to request that you will please inform me whether you have, in consequence of my above-mentioned letters to you, directed the release of the sixteen British prisoners put in dungeons, &c.; and, also, whether you have restored to their former situation ninety-eight of

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the one hundred and one British seamen placed in strict confinement, under the impression that the same number of Americans sent to England were claimed as British subjects, and sent there for trial; and if you have not already ordered their release from strict confinement, whether you intend doing it? This is a subject which does not admit of delay. I am, therefore, under the necessity of requesting a speedy answer.

I have the honor to be, sir, your obedient servant,

THOMAS BARCLAY.

General MASON, &c.

General Mason to James Prince, Esq., Marshal of Massachusetts, dated

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Dec. 22, 1813.

SIR: Colonel Barclay having given me assurances that the ten petty officers and seamen of the Chesapeake have been taken from the dungeons or cells in which they were confined at Halifax, and placed in close confinement in a situation more conformable to that used for prisoners generally, you will be pleased, on the receipt of this letter, to remove the ten petty officers and seamen, British prisoners, you had confined in retaliation for them from their dungeons or cells, and to place them elsewhere in close confinement, in the same manner as done towards the British prisoners before held in retaliation, where the place of confinement was used to hold safe, and not to inflict further severity.

I have the honor to be, &c.

JAMES PRINCE, Esq., J. MASON.  
Marshal of Massachusetts.

Extract of a letter from the Commissary General of Prisoners to Colonel Barclay, dated

DECEMBER 22, 1813.

You will recollect, sir, that I apprized you that, at some short date after Mr. Mitchell's communication to me of the 3d of September, he informed me that the six officers of privateers had been removed to an upper room, and that I had immediately, on receiving this information, directed the six British officers of privateers confined in retaliation to be placed in a similar situation. On your information that the ten petty officers and seamen have been now withdrawn from their former place of confinement, I have directed the Marshal of Massachusetts in the same way to ameliorate the condition of the ten persons confined in retaliation for them.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

DECEMBER 22, 1813.

I have received your letter of the 9th instant, relative to the manner of confinement of our sixteen maritime officers and seamen at Halifax, respecting which I had the honor to address you on the 22d September last, and to the communi-

cations of Mr. Mitchell, our agent at that place, in which I founded my facts, I find the following results in this: that he calls the places of their confinement dungeons; your informants call them cells, being two-thirds under ground; and that they state that the floor of each dungeon or cell was larger by two feet one way, and by eight inches the other, than he had made them; and, as to light and air, they insist that the prisoners received more by seven inches in a two-foot window than he represented; and, moreover, that there was a hole in the door of nine inches square, which he omitted altogether to mention. As to the accommodation of passage room for the seamen, placing the officers in an upper room, and the permission to walk in the yard, &c., you will please to remark, that your informants do not say that these indulgences were given on the first confinement, and that Mr. Mitchell wrote on the 3d of September, immediately after it took place. Had you, sir, have attentively compared the circumstances, and have collated my remarks of the 22d of September, which you have been at the pains of returning to me in an extract, with the statements of your own officers, I cannot believe you would have seen any cause for approbating their measures in the manner your letter seems to convey. Admit the miserable surplusage of the few feet and inches on which they insist for the subterranean floors and scanty apertures of these by two-thirds under ground cells, into which, in some five, and in others six of our unfortunate citizens were thrust, and I do yet aver that they were, in the fullest sense of the terms, "noisome holes," and "dark and impure receptacles of wretchedness," such as I am exceedingly glad to hear, on your representation, our prisoners have been removed from; and such as I hope your humanity will so interfere with the proper authorities of your Government as henceforward to keep others from being consigned to.

You will recollect, sir, that I apprized you that at some short date after Mr. Mitchell's communication to me of the 3d of September, he informed me that the six officers of privateers had been removed to an upper room, and that I had, immediately on receiving this information, directed the six British officers of privateers, confined in retaliation, to be placed in a similar situation. On your information that the ten petty officers and seamen have been now withdrawn from their former place of confinement, I have directed the Marshal of Massachusetts, in the same way, to ameliorate the condition of the ten persons confined in retaliation for them.

I regretted to see, and I confess I do not comprehend the point of the sarcasm you no doubt intended to convey in the following passage of your letter: "The prisoners, from Mr. Mitchell's account, appear to regret the 'dark and impure receptacles of wretchedness' they have left, which they prefer to the pleasant, healthy, and comfortable island on which they are now confined; for this exchange they are wholly indebted to Mr. Mitchell." Poor unfortunate men! it would seem that it was enough that they had to submit to de-



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basement and suffering of the severest kind, without being made the subjects of taunting paragraphs in official communication. The only consolation I have is, the perfect conviction that their country will not desert them; that it will follow their fate with a watchful eye; and that, painful as it may be to humanity, measure for measure will be dealt out, let that fate be what it may.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Dec. 30, 1813.

SIR: I am now to reply to your letters of the 9th and 15th of this month, respecting the fifty-nine American soldiers, and the one hundred and one American seamen, prisoners of war, sent from Halifax to England in the latter part of last Summer, on whose subject I remonstrated with you on the 22d of September, and relative to whom I took occasion to make some remarks in my letters of the 9th October and 23d November.

In your replies of the 30th November, you are pleased to speak of some of my expressions, in relation to the manner of treatment, and on returning the fifty-nine soldiers, as harsh; if my remarks were founded in truth, however they may have borne on your officers, I am persuaded you will, on duly considering the subject, receive them in the spirit in which they were intended, as designated to call directly to your attention, for the information of your Government, in a case of such serious import, a disingenuous procedure, ill becoming the agents of your nation, towards these defenceless and passive captives. In your communication to me of the 9th instant, in which you transmit the third list received of these men, (all of the three emanating from Lieutenant Miller, your agent for prisoners of war at Halifax; the first transmitted through your agent, Mr. Mitchell, on the 1st September, and the second by you on the 1st October,) you represent it as reconciling the contradiction between the other two which I had pointed out to you, and describe that first sent me by you thus: "An ordinary list to account for alterations since his (Lieutenant Miller's) last return of prisoners, and not to designate the cause of these men being sent; he was, therefore, under no obligation to be particular in describing the cause; indeed, it would have been incorrect in him to have stated the particulars in a common monthly list, intended merely to account for alterations during the month." I send you, sir, a copy of the first list given out by Mr. Miller to Mr. Mitchell, and a copy of his letter of the 1st September which enclosed it. I pray you to compare this with the two furnished you, and by you sent me; you will immediately perceive that no contradiction is reconciled; indeed, it is rather increased. In the list furnished you he goes back nearly to the ground first taken, in description of the men with Mr. Mitchell, namely, that they had given themselves up as British subjects; or, in other words, that fifty-nine men had all informed, each against himself, as to the crime, be that what it may, of which your officers accused them, and for which, as I learn from

you, and of which they must have been apprized before they "gave themselves up," they are to be tried for their lives. In the second (the first sent you) this ground is abandoned, and he takes a new one, not as to part of the men, as I was impressed when I first had occasion to animadvert on it to you, but as I find, on a stricter examination, as to *every man*, that they are deserters from the British service; and so plainly is this designated, that in the return he heads a column—"Name of the British regiment to which they belonged," and in this column is inserted against each man's name the number of a regiment, as first, fifth, sixth, and fourteenth; and you will find, sir, on recurring to your letter of the first October, that, taking this for authority, you remark to me, "you will perceive that the fifty-nine soldiers are deserters from His Majesty's service, and the name of the regiment to which each of them belonged placed opposite their names." I will certainly not undertake to determine what are the forms used for ordinary or extraordinary purposes made to you, but I will say, that if the fact of desertion existed, in a return showing cause why the men implicated were sent for trial, it would hardly have been withdrawn; and if it did not exist, it should never have been charged. In your last letter on this subject, you inform me that you are doubtful whether the number of the regiment shown in the return then sent, which I find precisely the same, and as to the same men, was the number of the British or American regiment. I can resolve that doubt now. These are the American regiments, or parts of regiments, engaged on the 24th June at the Beaver Dams, the time and place which the first return sent by you (by far the most detailed and particular of the three) designates; the fourteenth, from which most of the men were drawn, was commanded by Colonel Boerstler, made prisoner in that action, and lately returned on parole; and most of them are personally known to him.

Under the circumstances I have detailed, I must believe, sir, that you will see sufficient cause for the dissatisfaction of this Government with any explanation given for the sending off these fifty-nine men, to be tried in England or elsewhere.

I am entirely at a loss to know what analogy you have been able to find between the case of the two Frenchmen taken last Summer in British service, and discharged in Richmond, and that of these fifty-nine American soldiers. In the case of the Frenchmen their allegation was, that they were not, of right, prisoners of war, and they petitioned for their liberty. They were publicly examined and set at liberty. In the case of our soldiers the question is not that of liberty, to which we have yielded, but of death, which you threaten.

I can confidently assure you, sir, that it will never be made cause of complaint against your Government, that it set at liberty, at his own request, any prisoner taken in our service, whether he be a native or foreigner.

As it regards the one hundred and one Ameri-

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can seamen sent to England in September last, you say that three were supposed to be British subjects; fifteen had been twice taken in arms; and eighty-three were sent, from the explanation given by Lieutenant Miller to you in his letter of the 24th of November, which you send, because some had endeavored to effect their escape; some had shown a mutinous disposition; other prisoners were expected from Quebec, by which means the prison would have been crowded; the weather was hot, and the small-pox was prevalent; and that you confidently hope that these reasons will be satisfactory; the health, comfort, and convenience of the prisoners were the primary objects. Certainly these are primary objects, and it would give great satisfaction to this Government if they could see them consulted by your officers; but how was the convenience and comfort of our prisoners consulted, when a certain number of them are sent off from Halifax, crowded on board ship, beyond sea, to a distance from the facility of exchange, to make room for another number, to be in like manner sent by General Prevost from Quebec, at which place, as you have agreed with me, they should have remained to be exchanged on the land lines? And how was their health consulted as to the prevalence of the small-pox, when vaccination presented so easy and simple a remedy, compared with the risk of carrying the variolous infection into a voyage, in a crowded prison-ship, across the ocean? When men are taken a second time in war without exchange, it is a matter easily capable of proof, and, unless proved, ought not to be acted on; the proof, when had, should be exhibited. None such has, although you have informed me you have made inquiry, yet been exhibited. As to the fifteen men reported by your agent as so situated, whenever it is produced, the corresponding number of your prisoners held for them will be placed in the ordinary state of prisoners; until then they must be retained in the situation in which they now are. The eighty-three British seamen held against the eighty-three American seamen sent to England from Halifax, against whom you inform me there is no charge, will be returned to the ordinary state of non-paroled prisoners, but they will be withheld from exchange until the corresponding American seamen are exchanged or returned to the American station, from which they ought not to have been removed. I have, &c.

J. MASON.

Col. THOMAS BARCLAY, &amp;c.

HARLEM, December 27, 1813.

SIR: I have the honor to enclose you copies of lists of American prisoners of war, sent from Halifax to England in November last, by order of his Excellency Admiral Sir John B. Warren, in His Majesty's ships *Nemesis*, *Diomedes*, and *Diadem*, in consequence of the prison at Halifax being sickly and crowded with prisoners.

I am, sir, your obedient, humble servant,

THOMAS BARCLAY.

General MASON.

Note by the Commissary General of Prisoners.

The list above-mentioned gives the names of one hundred maritime prisoners, officers and seamen, and fifty military prisoners, officers and privates, sent to England in the *Nemesis*; one hundred and twenty-four maritime prisoners, officers and seamen, and seventy-seven military prisoners, officers and privates, sent to England in the *Diomedes*; and fifty military prisoners, non-commissioned officers, and privates, sent to England in the *Diadem*.

Making the whole number four-hundred and one.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners.

HARLEM, Dec. 31, 1813.

SIR: Your letter of the 22d current, in answer to mine of the 9th, I have received. I really expected, when I enclosed you copies of the letters received from Lieutenant Miller, and the copy of Mr. Mitchell's letter to him, you would have been convinced that Mr. Mitchell had too highly colored his description of the rooms in which the sixteen prisoners were confined in the jail at Halifax. This, however, appears not to be the case; on the contrary, you retain the same opinion, and even consider an error on the part of that gentleman of more than a fifth part of the area of the rooms too trifling to be noticed by you or me.

You cannot be ignorant of the situation of Melville island, near Halifax, where prisoners of war are confined, or of the prison, prison-ship, and hospital there. It is admitted, by all who have visited them, to be equal to any similar establishments of the same extent in Europe. No complaint, I believe, has been made against it, or the treatment which the prisoners receive there. In this prison, ten at least, and perhaps the whole of the sixteen prisoners were confined at the time they were moved to the town jail of Halifax; in which jail they remained several weeks, until the time they were again removed to their former confinement on Melville island, in consequence of Mr. Mitchell's representation to you that the rooms in which they were confined in the jail at Halifax were dungeons, dark and impure receptacles of wretchedness, where the prisoners were only permitted to receive the means of respiration and the light of heaven through an iron-barred aperture. Lieutenant Miller has declared that this statement of Mr. Mitchell's is incorrect, and that the rooms in the jail in which the sixteen prisoners were placed, instead of being dark and impure, were good and comfortable, and in every respect befitting prisoners of war, and that the prisoners were satisfied with them, and with the treatment they received while in jail. In proof of his assertion, I enclosed you not only a copy of Mr. Mitchell's letter to Lieutenant Miller, in which he acknowledges the men preferred the jail to Melville island, but also a letter from the Sheriff of Halifax, in which he states "that the apartments allotted to them (the prisoners) were

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in every respect suitable, and sufficiently large and well ventilated, and every possible indulgence granted to them, consistent with their situation. That when they understood they were to return to Melville island, they expressed their sorrow at being removed, and acknowledged in my presence the indulgence which they had received from the jailer and his family," Possessed of the testimony of the Sheriff of Halifax, and of the acknowledgment of the prisoners, (under Mr. Mitchell's hand,) "that their removal from Halifax jail to the prison of Melville island was not for the better," I am at a loss to account for adhering to Mr. Mitchell's original account of the rooms, and still more so for your expressing yourself in your letter of the 22d instant in the words following: "I do yet aver, that they (the rooms) were, in the fullest sense of the terms, noisome holes, and dark and impure receptacles of wretchedness."

I wish to be informed on what evidence you found your opinion; not on what the prisoners say, for Mr. Mitchell himself has acknowledged in his letter to Mr. Miller, that they told him they preferred the jail to the prison-ship at Melville island; nor can you rest it on Mr. Mitchell's description; first, because it is proved to be incorrect as to dimensions, light, and air; and secondly, because he has acknowledged the prisoners regretted being removed from the jail. Will you, sir, say you oppose the dictum of Mr. Mitchell to the assurance of Lieutenant Miller, the declaration of the Sheriff of Halifax, and the concurrent voice of the sixteen prisoners? If not, pray acquaint me on what authority it is that you speak with so much confidence? Do you recollect that, by your confirming Mr. Mitchell's description, you, in express terms, stultify the six officers and ten men who were confined in the jail; for none but fools or maniacs would prefer noisome holes and dark and impure receptacles of wretchedness, to the prison-ship at Melville island, the dimensions and other particulars of which I sent you.

The truth, sir, is, that both the prison-ship, and the rooms allotted to the sixteen American prisoners in the jail at Halifax, were comfortable places of confinement; and the reason why the prisoners preferred the latter to the former was this: At Melville island there were upwards of one thousand six hundred prisoners; consequently, the keepers and other attendants had it not in their power to pay attention and civility to each individual; whereas, in the jail there were only sixteen prisoners, to whom the jailer and his family showed every indulgence, as the prisoners acknowledged to the sheriff. If the rooms in the jail were as described by Mr. Mitchell, is it possible the prisoners would have regretted leaving them?

You are under a mistake in supposing I intended anything sarcastic, or in a taunting manner to jest with the feelings or the situation of these prisoners. Give me leave to tell you, sir, that I am incapable of such an act, and that it ill comports with you even to insinuate it of me. I

feel as much, and would go as far to serve these unfortunate men, as you or any other gentleman. My remarks are pointed to Mr. Mitchell, and not to the prisoners; for it was my wish to use their testimony to prove the incorrectness of the character given by Mr. Mitchell of the rooms in which they had been confined, and I assure you I approve of what they have done and said.

In my letter of the 9th instant I remarked, and again repeat, that the prisoners are wholly indebted to Mr. Mitchell for being removed, contrary to their wishes, from the jail in Halifax to the prison-ship at Melville island.

When you communicated to me in September Mr. Mitchell's description of the dungeons, cells, or rooms, (it is of no moment what appellations are given to them, for names cannot change realities,) into which the sixteen prisoners were placed, I transmitted, without delay, a copy of your letter to the Admiral at Halifax, and requested an explanation, and at the same time desired, if the facts were as represented by Mr. Mitchell, that an amelioration of the treatment towards the prisoners might take place. On the receipt of my letter, the Admiral, in order to remove even the shadow of complaint, directed that the sixteen prisoners should be returned to the prison-ship at Melville island. If Mr. Mitchell had not given you this horrid description of the places in the jail where those prisoners were confined, I take it for granted you would not have remonstrated to me against them, nor should I have written to the Admiral on the subject; the prisoners, therefore, would have remained in the jail probably until they were exchanged or released on parole. This being the case, I am authorized to say Mr. Mitchell was the cause of their being removed, contrary to their wishes, from the jail on board the prison-ship.

As these men are now in their pristine situation as prisoners, I request you will be pleased to inform me whether the sixteen British prisoners, placed by your order in more than ordinary strict confinement by the marshal of Massachusetts, by way of retaliation for the sixteen Americans, have been restored to their original situation as prisoners.

OFFICE COMM'Y GEN'L OF PRISONERS,  
WASHINGTON, Jan. 15, 1814.

SIR: I received, in due course of mail, your letter of the 27th December, and the lists enclosed, whereby I am informed that four hundred and one of our prisoners, officers, non-commissioned officers, and privates of the Army, and officers and crews of private armed vessels, have been sent to England from Halifax, on the plea of a crowded and sickly prison at Halifax. It appears to be in vain to remonstrate longer against measures which your officers seem determined to take, in relation to our prisoners, without regard to individual suffering, or to the convention between the two nations, as to stations of exchange. That a single prison might be crowded by the increase of prisoners at a station, and

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sickly in consequence of that crowding, is probable enough; but unless it was shown that the country in which that station is was sickly, there can be no pretension to humane motives for such a removal; other prison-houses or prison-ships should have been supplied. This, sir, as in the case of the last removal to England, is regarded as a measure replete with cruelty to the unfortunate prisoners concerned, and will, in due time, be met by a corresponding measure towards your prisoners in our possession.

I have the honor to be, &c.

J. MASON.

Colonel THOMAS BARCLAY, &c.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

JANUARY 24, 1814.

SIR: Your letter of the 15th January, in answer to mine of the 27th December, I have had the honor to receive.

I am inclined to believe you are under a mistake in supposing it to be an unjustifiable act to send American prisoners of war from Canada, Nova Scotia, or the West Indies, to England for safe keeping; and I am of opinion you will find that all persons acquainted with the laws of nations will agree, that the answer "that the prisoners sent to Great Britain for that purpose" is conclusive, and ought to be satisfactory. When, in addition to these remarks, you are furnished with the additional reasons stated in Port Admiral Griffith's letter, a copy whereof is enclosed, that the prisoners were removed from Halifax to Great Britain in consequence of the prisons being crowded, and the men sickly, every objection to their removal I hope will cease. From your letter, it however appears you consider that "other prison-houses and prison-ships should have been supplied." This measure, perhaps, was not convenient; at all events it would be attended with an expense which the Admiral probably considered he was not authorized to incur. In England there are ample prisons; and I have reasons to believe, from Lieutenant Miller's representations of the sufferings your prisoners have experienced in Nova Scotia from want of clothing, that they will, on their arrival in England, have reason to rejoice being under the care of Mr. Beasley, who will supply them with what is necessary.

I am at a loss to comprehend what you intend by remarking, "without regard to the convention between the two nations as to stations for exchange," because Liverpool or Falmouth, in England, are as much stations for exchange as Quebec or Halifax.

Extract of a letter from Rear Admiral Griffith to Colonel Thomas Barclay, dated

ON BOARD THE CENTURION,

HALIFAX, December 19, 1813.

By an order from the Admiralty to Sir John Warren, which he has left with me, he is directed not to allow any more American prisoners to be released till the balance in our favor should be

considerably reduced, and the order is accompanied by a return of the exchanges made in England, where alone the balance in our favor amounted to upwards of one thousand.

I would beg of you to inform me, as particularly as you can, respecting the mode of confinement and treatment of the British officers put into close confinement in the United States, that a similar measure of indulgence or severity may be exercised on the American officers confined here by way of retaliation. And I would take the liberty of suggesting to you the necessity of endeavoring to remove the impression of our having sent American prisoners to England on suspicion of their being British born subjects. The American Government can have no right to assume this as a fact. As far as relates to prisoners sent from hence to England, we have never avowed or acknowledged any such motive, with the exception of those who have been particularly designated as such.

The crowded state of the prison at Melville island, where double the number of prisoners were confined to that it was ever intended to have held, the difficulty, if not impossibility, of finding adequate security for them anywhere else, and the suspension of the exchange by the American Government, were sufficient excuses (if it were necessary to offer any) for sending some of the prisoners to England. I shall, however, stop sending any more till I hear from you; but if the exchange is again interrupted, we must thin off by every opportunity, for there are a great many more, even now, in this place, than there ought to be.

Extract of letter from Lieutenant William Miller, British agent for prisoners of war at Halifax, to Colonel Barclay, dated

DECEMBER 20, 1813.

In consequence of your letter by the Analostan, that the Government of the United States had put into close confinement one hundred and seventy-six British prisoners of war, in various parts of the United States, in retaliation, I have been directed to confine the same number of American prisoners of war on board the Magnet prison-ship; and on the receipt of your last despatches of the 24th November to Lieutenant General Sherbrooke, wherein you state that forty-six British officers were also closely confined, I was directed to arrest the whole of the American officers on parole, seventy-two in number, and confine them on board the Malabar transport, lately returned from Quebec, by removing some of the soldiers to Melville island. I fitted up a large space from the mainmast, abaft, thirty feet long, twenty-two feet broad, and seven feet high, for their temporary accommodation, and I was directed to complete, or double that number, to ninety-two; but, on reconsideration, Sir John Sherbrooke and Rear Admiral Griffith thought proper to alter the arrangement, and permit the maritime officers selected by Mr. Mitchell to depart in the Analostan in such numbers as made up the equivalent rank of two hundred and fourteen.

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In the number confined on board the Magnet prison ship, I have selected as follows: for the twenty-one seamen of the Dominica, confined at Charleston, I have taken twenty-one men belonging to the United States' gun-vessel No. 121, and for the seven seamen of the Tenedos, and eight of the Boxer, I have confined fifteen of the Chesapeake. It will be very necessary, if I could be furnished with the names of the British officers and seamen confined in retaliation, that I might make a regular entry of them. (I have received the lists of the one hundred and one and the sixteen confined.) I have liberated the seamen of the Chesapeake, as per abstract, for the two seamen of the Dragon. You will be pleased to observe I sent four of those sixteen, confined in retaliation, to England on the 19th ultimo, as per abstract, which reduces the number in my custody to eight, although I still consider them on my list; and in consequence of the ill state of health of James Trask, late sailing-master of the Revenge privateer, I have sent him in the Analostan, but shall confine another in lieu, which leaves Thomas Swain, of the Wiley Reynard, and two warrant officers, and four seamen of the Chesapeake.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

JANUARY 31, 1814.

SIR: On recurring to your letter of the 31st December, in reply to mine of the 22d of the same month, unwilling as I am to spin out discussions of an irritable character, I find it necessary to make some remarks on it.

As I have had, in other instances, occasion to do, I must now again express my regret, that you do not consider with more attention the papers in the case than it does seem you are accustomed to do, previous to entering on a discussion of their merits; had you, with more care, examined the letters and statements bearing on this case, you might have saved some trouble to you and myself, and probably have spared the necessity you appear to have imposed on yourself, of conducting your argument in terms little fitted to conviction.

Most certainly while Mr. Mitchell, our agent for prisoners at Halifax, continues to be thought by this Government worthy of remaining in the office which it has conferred on him, I shall consider all that comes from him as well worthy of faith as anything which may be stated by your agent for prisoners; and I shall, in justice to him and to the Government, repel any attempt, from whatever quarter it may come, unaccompanied by proofs, to lessen his credibility. If, however, you had attended to my communication of the 22d December, you would have seen that I by no means proceeded on his statement alone; that I had carefully collated that with the declaration of your agents, and shown the result. I took, finally, the description of the places of confinement for our sixteen unfortunate prisoners, given by your agents themselves, and indisposed to graduate human misery as it were by a scale, and revolting at the idea of looking for comfort in

such incarceration, did then say, as I now say, that an allotment of subterraneous floor, eleven feet one way, by seven feet eight inches the other; height, from floor to ceiling, (two-thirds of which under ground,) seven feet four inches; windows, or places for admission of light and air, two, one nine inch square, the other twenty-four by seventeen inches, is, in the fullest sense of the term, "a noisome hole, and a dark and impure receptacle of wretchedness:" in which sentiment I am abundantly confident I shall be joined by the whole civilized world, with exceptions too few in any degree to impair its correctness; and these are the precise dimensions and descriptions given by Lieutenant Miller, and the Sheriff of Halifax, and your private friend, of the cells or dungeons into which were put, and kept for some days, sixteen American citizens, officers and seamen, maritime prisoners of war—six in one, and five in each of the two others.

It is distinctly to be remembered, that it was of this period, and of this manner of confinement, of which Mr. Mitchell first reported and complained, and respecting which I immediately remonstrated with you. It is therefore vain to confound, by description of passages and yards to which these prisoners might afterwards have had access, what first existed in relation to them, with what took place when their situation was in some degree ameliorated. You are well aware, sir, that Mr. Mitchell did report this amelioration, and that a corresponding relaxation toward those of your prisoners held in retaliation for them was immediately ordered; and that this amelioration was made some time before they were removed to Melville island. It was then with the second stage of confinement that the situation of our sixteen prisoners, when carried to that island, is to be compared; which circumstance, when taken into consideration with the facts stated then and since by yourself, that there they were crowded in with sixteen hundred of their unfortunate countrymen, will sufficiently explain their preference, if such they had, to the prison in Halifax. I was glad to hear from you that, in the passage to which I alluded, as presumed to have been intended to convey a sarcasm on this preference attributed to our unfortunate prisoners, you did not mean to sport with their feelings. Difficult as it is to be understood in ordinary construction, I am willing to accept your explanation as to them; and you will permit me to remark, sir, should have been quite as much disposed to do so, had it been given in terms more becoming the occasion.

Colonel Barclay to General Mason.

HARLEM, February 6, 1814.

SIR: I have by this day's post had the honor to receive your letter of the 31st January. I have attentively examined my letter to you of the 31st December, and cannot discover anything in it improper or necessary to be corrected. I regret you consider it "little fitted to conviction." Perhaps, were your letter and mine on the subject

## Great Britain—Naturalization.

submitted to impartial persons, they would differ in opinion with you.

I shall not travel the ground already gone over in my reply to your letter of the 22d December, because mine of the 31st of that month is as full an answer to your letter of the 31st January as it was to that of the 22d December. I request, therefore, you will be pleased to receive it as such, and that you will give it the construction which the arguments and expressions merit.

I have the honor to be, sir, your obedient servant,  
**THOMAS BARCLAY.**  
 General MASON, &c.

## G.

Extract of a letter from the Hon. Ebenezer Sage to the Commissary General of Prisoners, dated

SAG HARBOR, LONG ISLAND,  
 September 28, 1813.

As it may be within the province of your official duties, I will trouble you with the following case:

A few weeks since, a barge and nine men from the British squadron (which lies in Gardner's bay, within sight of this port) came on shore in the night, a short distance from this, and took from his bed a Joshua Penny, and, without permitting him to put on his hat or clothing, carried him on board the *Ramilies*, where he was put in irons and on short allowance, and in that condition sent off in the ship to Halifax, or elsewhere. You have probably seen, in the newspapers, the correspondence between the commanding officer of this port and Hardy, in which the former, the next day after the capture, demanded him as a non-combatant, and the latter refused to restore him, upon the plea that he had acted as a pilot to Commodore Decatur's barges, and the torpedo boat, and was on the books of Decatur's frigate, at forty dollars per month. That he acted as pilot in both the above cases is true, but the last charge is not true. He was hired as a pilot, and is on the books of no ship, or attached to any public service. The British Commodore further declares in his communication that he holds him as a spy, in consequence of his being on board his ship at a certain time to sell clams. If this act makes him punishable as a spy, the Commodore must be surrounded with spies every day, from Connecticut and elsewhere, with beef, breadstuff, onions, fruit, and eatables of all kinds, as we know his fleet is continually surrounded with traders. The question is, can this man be held as a prisoner of war, and held in irons? Is it not a case demanding the *lex talionis*?

Penny is a poor but industrious man, with a large family; a good seaman and pilot, and of a bold and daring spirit; has faced danger, and endured much hardship in almost every quarter of the world. It is a fact, that an American, who was on board the ship as a trader, put on the uniform of a lieutenant, and accompanied a crew to point out to them the place of Penny's abode, the day preceding the night in which he was taken. This we learn from some prisoners who have since been liberated, and from whom we also

learn the circumstance of this confinement in irons, &c.

Extract of a letter from Commodore Stephen Decatur to the Secretary of the Navy, dated

U. S. SHIP UNITED STATES,  
 NEAR NEW LONDON, Oct. 6, 1813.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th ultimo.

I saw Sir Thomas Hardy's statement relating to Penny, in the newspapers, and had from the collector of Sag Harbor many of the particulars of his capture and subsequent treatment, who informed me that he should communicate the same facts to the Government, and for that reason I omitted doing it myself, as unnecessary.

Penny was never entered on the books of this ship in any capacity; nor ever employed by me but for the purpose of piloting our boats in the expedition to Gardner's island; and then he acted merely as a pilot; went, and continued during the expedition, unarmed, and received for his compensation the ordinary pilotage.

OFFICE COMM'Y GEN'L OF PRISONERS,  
 WASHINGTON, Nov. 1, 1813.

SIR: I am commanded by the President to direct that you will, with as little delay as possible after the reception of this order, place in confinement, such as will preclude the possibility of escape, William Mayton, a British subject, and prisoner of war, late master's mate of the British ship of war *Ramilies*, and recently transferred, among other prisoners, to your custody by the Marshal of Connecticut, there to be held as a hostage, to answer for the safety and proper treatment of Joshua Penny, a citizen of New York, lately seized at night in his bed, at his own house, near Sag Harbor, Long Island, by a detachment from the British squadron in that quarter, carried on board, and yet held in rigid confinement by the enemy. It is not intended, for the present at least, that the unfortunate person so confined, shall be barred from such decent accommodation and comfortable subsistence as his situation may admit of, and you are requested to inform him fully of the cause by which this measure has been made necessary.

I have the honor to be, sir, your most obedient servant,

J. MASON.

EBENEZER K. DEXTER, Esq.  
 Marshal of Rhode Island.

## H.

Extract of a letter from R. Swanton to the Secretary of State, dated

NEW YORK, November 8, 1813.

SIR: I am informed, by letters written in Halifax, in July, August, and September last, that my brother, John Swanton, lately serving in the capacity of captain of marines on board the private armed schooner *Globe*, of Baltimore, Captain Moon, commander, was captured on the 29th May in the brig *Endeavor*, prize to the *Globe*.



*Great Britain—Naturalization.*

And Mr. Mitchell, agent for prisoners of war, in his letter of the 4th September, says that my brother was then confined on board His Britannic Majesty's ship *Melpomene*, and about to be sent in her to England, for the purpose of trial as a British subject.

I therefore presume that he is now in England, and that he either has or will be proceeded against. I am informed that Mr. Mitchell has laid his case before the Government; and my anxiety induces me to trouble you with this communication, and to request you to inform me whether anything can be done for him.

ON BOARD H. M. SHIP *CENTURION*,  
*Halifax, July 14, 1813.*

DEAR ROBERT: I have not time, at this moment, to enter more particularly into the occurrences that took place on board the *Globe*, than that the captain thought proper to send me a passenger to the United States in the brig *Endeavor*, captured by us, off the Rock of Lisbon, on the 26th March last, and was recaptured off Cape Henry, 29th May, by His Majesty's ship *Le Fantome*, Captain Lawrence, who detained me, in particular, under pretence of being a British subject. He took me with him to Bermuda, where I underwent a formal examination, which was committed to paper, as follows: Where were you born? Kilcat, county Kilkenny, Ireland. When did you leave it? In 1789. How old are you? Thirty-eight years. Have you lived seven years in the United States of America? Yes, above three times that, and am a citizen in right of my father, who lived and possessed property in America before the Revolution. Have you a vote? Yes, and voted for Mr. Madison, in opposition to Mr. Clinton. Are you a married man? Yes, and have five children. This is, as well as I can recollect, the substance of the examination. I was conveyed from that island to this port, and write to you in irons; nor do I know by what means I could have informed you of my situation, had it not been for the kindness of the commander of this ship, who permits me to write to Mr. Mitchell, agent for prisoners of war. I therefore request you to act immediately as the law directs in such cases, and write me an answer, sending me at the same time two hundred dollars. Remember me to our relations and friends in New York, and inform my wife in Pennsylvania, to whom it will be a sad stroke.

I impatiently wait your answer, and remain your loving brother,  
J. SWANTON.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Dec. 17, 1813.

SIR: I am commanded by the President to direct that you will, with as little delay as possible after the reception of this order, place in close confinement, such as will preclude the possibility of escape, William Lincoln, a British subject, and prisoner of war, late mate of the merchant brig *Fly*, there to be held as a hostage, to answer for the safety of John Swanton, late a captain of

marines on board the privateer *Globe* of Baltimore, who has been unjustifiably confined by the British Government at Halifax, and sent from thence to England for trial.

It is not intended, for the present at least, that the unfortunate person so confined shall be barred from such decent accommodation as his situation may admit of; and you are requested to inform him fully of the cause by which this measure has been made necessary.

I have the honor to be, &c.,

J. MASON.

EBENEZER K. DEXTER, Esq.,  
*Marshal of Rhode Island.*

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, Jan. 2, 1814.

SIR: I enclose you a letter from Mr. R. Swanton of New York, a very respectable citizen, to his brother, Mr. John Swanton, late a captain of marines on board the private armed schooner *Globe* of Baltimore, Captain Moon, captured in a prize of that vessel, and sent into Halifax, and thence in close confinement on board one of the British ships of war, in the month of September last, to England for trial, on pretext of being a British subject.

It is desirable to afford the friends of persons thus unfortunately situated every means of communicating with them as far as may depend on the public agents; you will, therefore, be pleased to endeavor to find out the place of confinement of Mr. Swanton, and convey to him the letter intended for him, and the pecuniary relief afforded by his brother, with any other you may be able to give him.

An officer of a British merchant ship, corresponding with him in rank, has been confined here, to answer, in his person, for his safety and proper treatment. I am informed by Mr. Swanton's family, and have no doubt of the facts, that, although born in Ireland, he came here very young, and is a citizen of the United States in the right of his father, who came to this country before the peace of 1783, and has habitually resided here since, until his death a few years ago.

I have the honor to be, &c.,

J. MASON.

REUBEN G. BEASLEY, Esq.,  
*U. S. Agent for prisoners, London.*

I.

Extract of a letter from Commodore Isaac Chauncey to the Secretary of the Navy, dated

U. S. SHIP GENERAL PIKE,  
SACKETT'S HARBOR, Oct. 12, 1813.

On the 24th of August last, I wrote to Commodore Sir James L. Yeo, respecting the detention of Thomas Goldsmith, late a seaman belonging to the *Julia*, and detained by Commodore Yeo for trial as a British subject. I have this day received his answer to that communication; copies of both letters I have the honor to enclose.

I shall wait your instructions, as to what further measures are to be adopted in regard to Goldsmith.

*Great Britain—Naturalization.*

U. S. SHIP GENERAL PIKE,  
SACKETT'S HARBOR, Aug. 24, 1813.

SIR: The fortune of war having placed the crews of the Growler and Julia (two small schooners belonging to my squadron) in your power, and having understood that Thomas Goldsmith, ordinary seaman, belonging to the late United States' schooner Scourge, and captured in the Julia, has been detained for trial by your order, as a British subject, I will thank you to inform me upon what grounds Goldsmith has been detained, and whether it is your determination to try him in the province, or send him to England. I have the honor to be, &c.,

ISAAC CHAUNCEY.

Com. Sir JAMES LUCAS YEO, Kt.,  
Commanding H. B. M. naval forces, &c.

Extract of a letter from Commodore Sir James L. Yeo to Commodore Isaac Chauncey, dated

ON BOARD THE WOLFE, AT KINGSTON,  
October 11, 1813.

SIR: I have had the honor to receive your letter of the 24th August on my arrival at this port, requesting I would inform you upon what grounds Goldsmith has been detained.

In answer to which, I have to acquaint you that the man himself acknowledges his being by birth and parentage a subject of Great Britain; but as to whether he will be tried for serving under the flag of his country's foes in this place, or in England, I cannot inform you.

Extract of a letter from the Commissary General of Prisoners to James Prince, Esq., Marshal of Massachusetts, dated

DECEMBER 18, 1813.

SIR: I am commanded by the President to instruct you to place immediately in close confinement one of the British seamen in your custody, captured on Lake Ontario, to be held as a hostage to answer for the proper treatment and safety of Thomas Goldsmith, late a seaman belonging to the United States' schooner Julia, unjustifiably detained for trial as a British subject, by order of Commodore Sir James Yeo.

You will inform the person so designated of the cause of this measure, and make his treatment the same as that recommended to you heretofore in similar cases.

K.

Extract of a letter from Thomas Steele, Esq., Deputy Marshal of Ohio, to the Commissary General of Prisoners, dated

CHILICOTHE, September 18, 1813.

I made a return of one prisoner, who was put into my custody on the 9th of May last, of the name of Thomas Alexander Clark, who was taken at the rapids of the Miami of the Lake. I was instructed by Colonel Campbell that he, the said Clark, was to be kept in close confinement as a hostage for a certain Captain Knaggs of Detroit, which has been done in the jail of the county; common jail fees are twenty-five cents per day. I have furnished him the necessary clothing.

QUEBEC, October 7, 1813.

SIR: Agreeably to my proposition of last evening, I shall give you a statement of facts which is the cause of my confinement, and then leave it for your honor to decide, viz: I was assistant superintendent of Indian affairs, and captain of a militia company in Detroit, Michigan Territory, and was surrendered by General Hull at the capitulation of Detroit, and guaranteed, agreeably to a proclamation issued by General Brock, both in person and property. Shortly after such proclamation, the savages, who, to glut their thirst for blood, hunted me day and night for the purpose of assassinating me if they should find me; finding their search fruitless, they repaired to my dwelling, and robbed me of about twelve thousand dollars in specie and effects. After this had taken place, I was advised, by persons of respectability living on both sides of the river, to leave the country a short time, until the anger of the savages should be assuaged, both for my personal safety and the safety of my wife and children. Agreeably to their advice, I obtained a permit from Colonel Proctor to depart; myself and several others chartered a vessel for the purpose, and moved to Presque Isle; and after that I pursued my route to the States to settle my business, and returned to Pittsburg, and from there was making the best of my way to Detroit to find my family, who were daily exposed to the insults and dangers of the Indians. After I left Pittsburg, I arrived at the Miami rapids. I there, unexpectedly, fell in with a part of General Winchester's army, the other part had advanced to Frenchtown. I continued on from Miami rapids to Frenchtown, where I had a brother living, and put up with him, anxious to reach my family before the army arrived, lest the Indians might suspect I was with it, and massacre my family for retaliation; however, the next day an engagement took place between General Winchester and Colonel Proctor's forces, about two miles from where I was, in which the former had to retreat, and passed by where I was. The Indians finding me at that place, took me and carried me to Colonel Proctor, who said I had broken my parole, and ordered me to be immediately forwarded to Fort George, without any examination. I remained a few days at Fort George, where I obtained a certificate from General Winchester, showing that I had nothing to do with the army; I was then forwarded to Montreal, and then examined before the police, and committed as a prisoner of war; shortly after that, I had assurances of being sent home as soon as the roads would admit, but instead of that I was forwarded to this place, and confined as a prisoner having broken his parole, which I am now ready to show, by General Winchester and his officers, that I was no way concerned with the movements of General Winchester's army, directly or indirectly. An investigation of this affair would be highly gratifying to your obedient servant,

WHITMORE KNAGGS.

Colonel GARDNER.

*Great Britain—Naturalization.*

Extract of a letter from Colonel Barclay to the Commissary General of Prisoners, dated

HARLEM, *January 8, 1814.*

I enclose you an extract of a letter from Captain Chambers, of the forty-first regiment, dated Chillicothe, 27th November, 1813, and beg you will be pleased to give the necessary orders that Mr. Thomas A. Clark, Indian interpreter, with the rank of a subaltern in the British service, now a prisoner in the jail at Chillicothe, either receives the three shillings sterling per day, the allowance for officers, or is supplied with such food as comports with his rank as an officer.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated

JANUARY 22, 1814.

Mr. Thomas A. Clark, whom you mention, is confined at Chillicothe in retaliation for a Mr. Whitmore Knaggs, an American citizen, confined in jail in Quebec, where Colonel Gardner saw him in his jail, on common prisoner's fare, on the 15th October. Mr. Knaggs is a man of property and respectability; he was an inhabitant of, and captain of the local militia at Detroit; was included in the capitulation of that place, and promised protection in person and property; the Indians were, however, permitted to plunder his house of money and effects to a large amount, and constantly threatened to assassinate him; under these circumstances he obtained permission from General Proctor to go within our lines, which he did in a vessel, with others, to Pennsylvania, leaving his family. After some months, was returning to his family at Detroit, when he was seized by the Indians and carried to General Proctor, who confined him on suspicion of belonging to General Winchester's army, who were engaged about the time and near the place Mr. Knaggs was met on his way to Detroit. He was first sent to Fort George, where he obtained a certificate from General Winchester that he was in no way attached to his army. Mr. Knaggs is kept in the common jail, and, as I understand, on ordinary prisoner's rations. I wrote directly that Mr. Clark be treated in the same way, but that his subsistence be abundant and of the better kind, and his situation shall be ameliorated the moment you will inform me, from an authentic source, that Mr. Knaggs has been; in other words, it is intended that he shall receive, in everything, the treatment Mr. Knaggs receives, and I shall be extremely glad that, on a change in this, I may be enabled to make that of Mr. Clark entirely comfortable.

L.

Captain Jones to the Hon. Paul Hamilton, Secretary of the Navy.

NEW YORK, *November 24, 1812.*

SIR: I have the honor to inform you of my arrival here to-day with the surviving officers and crew of the Wasp, excepting the boatswain, boatswain's mate, eight men, and two boys, who were detained as British subjects, and are now confined on board the prison ship at Bermuda.

Mr. McLeod has been eight or ten years in our service, has a boatswain's warrant, married in Virginia, and has there a wife and children. I do not know where those men may have been born, but the most, if not all, have protections; and, from their having detained two others, who Mr. Rodgers and myself knew to be native citizens, who were afterwards dismissed upon my observing that I knew them to be such, I think it probable that many of the others are natives of the United States. JACOB JONES.

HON. PAUL HAMILTON.

Captain Beresford to Admiral Warren.

HIS MAJESTY'S SHIP POICTIERS,

*February 15, 1813.*

SIR: In reply to the letter I had the honor to receive from you yesterday, I have the honor to inform you that the men I thought it my duty to detain, until your pleasure was known, are, in my opinion, British subjects. The boatswain, Mr. McLeod, told me he was born in Scotland, but that, having taken the American oath of allegiance, and being married in Philadelphia, he considered himself an American subject; the other men, in my opinion, are English, Scotch, or Irish. I told the officers of the Wasp my suspicions, and that, consequently, it was my intention to detain them, but that, if the captain or any other officer could identify any of them as Americans, I would instantly send them on board the cartel that was then going to New York with the officers and crew of the Wasp.

This they were unable to do, and I, therefore, sent them on board the Ruby to await your pleasure, being perfectly convinced, within my own breast, that they were British subjects, although I am certainly without documents to prove the fact. I have the honor to be, &c.

J. P. BERESFORD.

SIR J. B. WARREN, *K. B. Admiral, &c.*

Captain Jones to the Secretary of the Navy.

MACEDONIAN, NEW LONDON,

*September 15, 1813.*

SIR: The enclosed is from one of the twelve of the crew of the Wasp, who were detained after her capture by Captain Beresford on the supposition of their being British subjects.

The case of Mr. McLeod, the boatswain, is peculiarly hard. He was in the service during the war with Tripoli, and has continued so ever since; he has been for several years married to a discreet woman in Virginia, the daughter of a person living about nine miles from Norfolk, and has, or had when he left home, two or three children.

The persons detained were Mr. McLeod, boatswain, the writer of the enclosed, alias John Goldthwait, J. Stevens, boatswain's mate, George M. D. Read, Thomas Phillips, John Rose, a boy, Dennis Dougherty, marine, William Mitchell, Peter Barrow, and John Brooks, boy.

Respectfully, yours, J. JONES.  
HON. WILLIAM JONES.

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[Enclosed in the preceding.]  
Mr. Goulthrite to Captain Jones.

MELVILLE PRISON, HALIFAX,  
August 16, 1813.

SIR: We take the liberty of writing to you to inform you that, on the 18th of June, we were sent out of the Goree prison ship, at Bermuda, on board the Dragon 74 for Halifax, where we arrived after a favorable passage of ten days, and we are sorry to inform you that we are almost naked for want of clothes, having nothing except one shirt and trowsers, and as there is no more prospect of getting clear than there was when we were first taken prisoners, we humbly entreat you that you will send us some relief, as we have applied several times to Mr. Mitchell for some clothes, and we cannot get any; so, without you relieve us, we shall perish for want of clothes here in Winter, as it is very severe.

We remain your most obedient and humble servants,

J. GOULTHRITE, and others.

Captain JONES,  
*U. S. frigate Macedonian.*

P. S. We are sorry to inform you that three died at Bermuda, viz: Peter Barrow, John Rose, and John Stephens.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated  
NOVEMBER 23, 1813.

But, sir, these are not the only cases in which it is plainly shown how the conduct of your officers in seizing and separating our captured men from the ordinary state of prisoners, and subjecting them to long and painful confinement, has stood self-condemned on their own assumed ground. I will instance, among many that might be cited, the cases of five, at least, of the six men of the crew of the Nautilus, the six men of the crew of the privateer Sarah Ann, thus taken, long held, and finally discharged; and the twelve men of the crew of the Wasp, taken and held in like manner, three of whom have fallen a sacrifice to, and during, severe confinement, and the remaining nine, as you have informed me, are at length restored to the ordinary state of prisoners in Halifax for exchange. In this last instance, I refer you, sir, to the letter from Commodore Beresford to Admiral Warren, of which I furnished you a copy, and in which he states explicitly that he had designated and detained them merely on suspicion, and because our officers could not, of their own knowledge, declare that they were native born Americans.

Extract of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated  
SEPTEMBER 7, 1813.

His Majesty's schooner Dominica, lately captured by an American privateer after a sanguinary conflict, has been carried into Charleston, South Carolina. At the time the letter to me announcing her arrival was written, the marshal

had not admitted the officers, midshipmen, and master's mates, &c., to their parole. I am also informed there are some masters of British armed vessels detained on board the prison-ship to whom the indulgence of parole has been refused.

Whether this is correct I do not take upon me to say; but you will do me a favor by ordering the marshal at Charleston to extend the indulgence of paroles to such characters as you think proper, and acquaint me with the extent to which you limit them.

I beg leave, also, to request you will send the necessary orders to the marshal to furnish the British prisoners with comfortable bedding, and the necessary utensils for cooking, &c., as the men of the Dominica were stripped of everything by the crew of the American privateer, who, in every other instance, I am informed, behaved with a barbarity not practised by civilized nations. I do not mention this to you by way of complaint, because my Government will take the necessary measures, if the information is correct, but to afford the American Government an opportunity of investigating the facts, and correcting future acts of barbarity which dishonor human nature. The crew of the American privateer, it is said, were principally blacks and men of color.

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated  
OCTOBER 5, 1813.

I have written to the Marshal of South Carolina on the subject of your letter of the 7th of September, and can assure you that everything shall be done there that is requisite to make your prisoners comfortable. As to paroles at that depot, I have no particular information; I have required it, and it shall be, when received, communicated. The practice has been, heretofore, to parole all midshipmen and commissioned officers of men of war, and all master's mates and lieutenants of private armed ships and merchantmen, which I am entirely disposed to continue, if the practice on your side will permit me to do so. I understand that your Government paroles neither mates nor lieutenants, or at most not lower than the first mate, and no master of a privateer under fourteen guns. I request early information from you on this subject, to enable me to determine on the course proper to be taken here.

You state that you are informed that the men of the late British schooner Dominica were stripped of everything by the crew of the capturing American privateer, and, in every instance, treated with a barbarity not practised by civilized nations, and which dishonor human nature. I regret to hear that any of our masters of privateers, who have heretofore been as remarkable for their generosity and kindness to prisoners when subdued, as they have been for their skill and bravery in battle, should be accused of such unpardonable acts. The facts shall be inquired into, and, if they exist, as you suppose they do,

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you may be assured they will not pass unnoticed by a Government whose constant effort has been to invite by example its enemy to conduct the war in all its branches in the most humane possible manner. Without, at this time, assenting to or denying the facts you suppose to exist, I will remind you that it is said to be difficult to restrain the conquering crew, on a vessel carried by boarding, from acts of cruelty and of pillage; and I trust the same laudable spirit which has excited your feelings on this occasion will cause you to inquire into the conduct of the crew of your frigate Shannon, (when the Chesapeake was carried in that way,) and, above all, will have induced you to have become possessed of, and to have reported to the proper authorities, the facts attending the Anglo-Indian warfare on the Canada lines; since, surely, if any excesses in this life can be most properly termed "barbarities which dishonor human nature," they must be those exhibited on the late occasions on the river Raisin, Brownstown, and elsewhere, when the Indians, in British pay, fighting by the side of British troops, and afterwards thanked in general orders by British officers, were permitted to murder by piecemeal, to hack, to mangle, and to torture unto slow death, and to burn alive, American citizens, their prisoners; and, as if to fill the measure of savage enormity, to expose the bodies of these wretched sufferers to be devoured on the surface by every passing vermin.

These things, sir, have been repeatedly done in the face of the world, and are not to be contradicted. It is to be hoped that you will afford the British Government an opportunity of investigating the facts, and of correcting acts, to the description of which, in adequate terms, no language used by civilized man is equal.

Extract of a letter from the Commissary General of Prisoners to Morton A. Waring, Esq., Marshal of South Carolina, dated

OCTOBER 5, 1813.

I send extracts of a late letter from Colonel Barclay, and of my reply. Respecting paroles you will give me early information, and I request that you will make particular inquiry as to the conduct of the officers and crew of the Decatur on the charge brought against them, from such sources as can be depended on, and give me the most authentic information you can obtain, as also a list of the crew when she returned into port, also descriptive of the persons composing it, which may be readily had of the collector.

Extract of a letter from Morton A. Waring, Marshal of South Carolina, to the Commissary General of Prisoners, dated

OCTOBER 16, 1813.

I hasten to reply, partially, to your letter of the 5th instant, which has this moment come to hand, accompanied by extracts, &c., therein referred to. Respecting paroles, they have never been, in any instance, denied to characters who were deemed

worthy of them. I confess, in consequence of several breaches of paroles by captains of merchantmen, I felt, on the arrival of the Decatur, some hesitation in granting Captain Sinclair, master of a merchantman, a parole; but, as soon as I could receive the pledge of the British sub-agent here for his good conduct, I granted him parole. I have since paroled Captain Sinclair to Liverpool on the conditions prescribed by the cartel. The midshipmen taken in the Dominica were paroled as soon as possible after their arrival here. Those officers who came under the character of non-combatants were immediately released. Without orders from your Department, I shall not, on any occasion, parole officers below the grade of captains of merchantmen, and shall be very circumspect towards them. Therefore, sir, all that extract of Colonel Barclay's letter to you, which speaks of the refusal of paroles, is not founded on fact.

Extract of a letter from Morton A. Waring, Marshal of South Carolina, to the Commissary General of Prisoners, dated

OCTOBER 26, 1813.

A letter from Dr. Tidyman, a gentleman of respectable professional standing, who volunteered his services to the wounded on their arrival here, is enclosed.

I have not been able to procure any certain information as to the characters of the persons who composed the crew of the Decatur; as near as I can come to the fact, she had about three-fourths white men on board.

Those officers who were heard to speak of the treatment which they received from the privatersmen, after their surrender, having gone from this place, I have been obliged to resort to the certificate of such gentlemen as questioned them on this point; which certificate I have forwarded to you.

CHARLESTON, October 8, 1813.

DEAR SIR: In compliance with your request, I hasten with cheerfulness to state to you my opinion of your conduct towards the British prisoners of war captured in the Dominica by the Decatur; and it is with peculiar pleasure I can candidly say that, during the short time I attended the wounded, in company with Dr. Waring, I heard the prisoners express the most perfect satisfaction and gratitude at the humane treatment they received from yourself, and also from Captain Pratt, acting under your instructions; and I must confess that, in every part of Europe which I have visited, I never saw better treatment shown towards prisoners of war than is now experienced by the British prisoners on board of the prison-ship under the immediate command of Captain Pratt. To the best of my knowledge their diet is not only wholesome, but very liberal. I have no hesitation further to state that the officers of the Dominica, with Captain Sinclair of the British merchant ship London Trader, did receive their paroles within a very few days after the arrival of the respective vessels in our harbor.

*Great Britain—Naturalization.*

Your conduct has been, to the best of my observation, such as to entitle you to the good opinion of your fellow-citizens. You have acted in the strict line of your duty, and, consequently, must merit the approbation of your Government. I am extremely sorry to find that you have been unjustly charged with denying paroles to British officers, and keeping them in confinement on board of the prison-ship. The character of an informer is always obnoxious; but when he descends to falsehoods, he then indeed ought to be treated as an outcast of society. With respect to your inquiry relative to what I know of the treatment which the British prisoners sustained on board of the *Dominica* and *Decatur*, I must beg leave to inform you that, as my only object in seeing those unfortunate men was to discharge the duties of my profession towards them, I considered it, therefore, indelicate to submit questions which might unnecessarily give rise to any unpleasant feelings or conversation on a subject that was foreign to my purpose, and which I felt myself unauthorized to seek into. When they were delivered to Captain Pratt they all appeared to be well clothed, and many brought with them their baggage. With respect to myself, I have done no more than was consistent with the duty of a Christian, and it is one I shall always feel gratified in discharging towards prisoners of any nation.

With sentiments of respect, &c.

PHILIP TIDYMAN.

MORTON A. WARING, Esq.

*Marshal, Charleston.*

CHARLESTON, October 26, 1813.

We hereby certify that, on the day subsequent to the arrival of the American private armed schooner *Decatur*, Captain Dominique d'Iron, with her prize, the British armed schooner *Dominica*, into this port, we, the undersigned, went on board the latter vessel, in company with several gentlemen, among others the honorable John Drayton, Judge of the Admiralty; and during our stay on board the said vessel we conversed with some of the prisoners, by whom we were explicitly informed that they had been treated by the captors "like brothers." It was remarked by them that there was considerable carnage and bloodshed, naturally consequent to the confusion of boarding, but after possession of the prize had been taken by the captors, every kindness was afforded.

JAMES JEWEL,  
JOHN PRATT,  
J. B. WHITE.

OFFICE COMM'Y GEN'L OF PRISONERS,  
*Washington, August 27, 1813.*

SIR: I have the honor to transmit you copies of the following letters from Dr. Samuel McKeehan, surgeon's mate, second regiment of the Ohio militia; to Major General Dearborn, of the 24th of May last; two from the same person, one

of the 6th of May and one of the 9th of May, to Lieutenant Dudley; and one of the 12th of May, from George H. Rodgers, of the United States' Army, to Lieutenant Dudley.

You will perceive from the statement of Dr. McKeehan, if it is correct, and, from the respectability of his character, there is too much reason to believe it, that outrages have been committed on his person, not to be justified. I do not, however, in requiring an explanation, rest this matter on the statement of the suffering person only: Lieutenant Dudley, of the United States' Navy, was at Montreal during his confinement, as you will remark by the letters addressed to him. That gentleman furnished me himself with the originals of the two letters addressed to him by Dr. McKeehan, and of that from George H. Rodgers, and confirmed all that is stated by the Doctor to have happened, after his (the Lieutenant's) arrival at Montreal, and assured me that the Doctor's treatment, previous to that time, was spoken of in Canada as a matter of notoriety, to be such as he has represented it.

I request, sir, that you will be pleased to inquire into the facts, and the causes alleged for treatment so inhuman to a man sent by the proper authority, under the sacred protection of a flag of truce, to administer kindly offices and medical aid to our wounded prisoners, and also into the facts of the severe confinement and cruel usage alleged to have been used towards the fourteen American prisoners at Montreal, named by Dr. McKeehan.

I shall refrain, sir, from pointing out what may be thought the proper atonement to be made on the cases described, until your explanation is received. I have the honor to be, &c.

J. MASON.

Col. THOS. BARCLAY, &c.

MONTREAL PRISON, May 6, 1813.

SIR: I am an unfortunate American who was taken by the Indians on my way to Malden, with a flag of truce from General Harrison, on the night of the 31st of January, and after a variety of indignities, too tedious to mention, I was brought here and put into the dungeon for thirty-three days, and have been up on the centre floor a week. I wish to see you, if possible, and have your advice, &c. In haste, yours, &c.

SAMUEL MCKEEHAN,

*Surgeon's Mate, Ohio Militia.*

Lieutenant DUDLEY.

MONTREAL PRISON, May 9, 1813.

SIR: Yesterday Sir George's aid came and informed me that the nature of my confinement had been contrary to his orders, and Colonel Lethbridge was required to restore my liberty. I was also informed that you and myself would probably, in a few days, be sent to the United States. Colonel Lethbridge told me he would send for me at three o'clock and take my parole. In less than an hour Major Shackleton called, and said the Governor, after more mature consideration, had concluded he could not let me have



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my liberty until he would hear from General Proctor.

Two or three days after my imprisonment, Major Shackleton told me that General Proctor had promised, with the next despatches, to send on all the papers relating to my case, and that then I would have a hearing.

So you may see punishment by torture is not yet abolished. If they had drove a dagger through my heart my punishment would have been much less, and their compassion much greater.

Yours, &c.

**SAMUEL MCKEEHAN.**

Major Shackleton also told me that Colonel Baynes was unauthorized to tell me what he did.  
S. McK.

Lieutenant DUDLEY.

**MONTREAL JAIL, May 12, 1813.**

SIR: I am requested by Dr. McKeehan to inform you of his present unpleasant situation. He is at this time so unwell as to be confined to his bed, and has no chance of getting anything to make him comfortable. No person attends here to examine our situation, neither have we a chance to send out after any necessaries that we want.

I am confident the Doctor's case requires some very speedy aid, particularly as it respects his confined situation, lodging, &c.

Yours, respectfully,

**GEORGE H. RODGERS,**

*United States' Army.*

Lieutenant DUDLEY.

**NIAGARA COFFEE HOUSE,**

**May 24, 1813.**

SIR: Without introduction or apology, I beg leave to state to your Excellency that, on the 31st of January last, I was ordered by General Harrison to proceed to the river Raisin with a flag of truce. I was required in my instructions, if I met no British officer at that place, to proceed to Malden, if too great danger did not appear from the savages. The same evening, thirty-three miles from the river Raisin, the Indians fired upon us and killed Mr. Lamont, one of my attendants, wounded myself in the foot, then conveyed me to Captain Elliott, who took me to the river Raisin, and from thence sent me to General Proctor at headquarters in Sandwich, who swore, by God, that the flag and papers which I gave him were only a pretence to cover a dishonorable service. I rebutted his insinuations as moderately as my indignant feelings would permit. General Proctor made several observations on General Harrison's ability as a commander; said he was used to fight Indians, but not British troops, &c. He kept my instructions; did not even inform the senior officer, Ensign Baker, of the American prisoners, that he had a letter for him. I was ordered to a tavern, under the care of a French sergeant. I waited until the 4th of February before I wrote to General Proctor, demanding in what character I was considered, how long I would be detained, and the cause of my detention.

The next day the General's Aid informed me I was recognised as surgeon's mate, and would attend with Dr. Brown on the American wounded prisoners. On the 12th I received a letter from General Proctor, in answer to one I had written to him on the day before, of which the following is a copy:

**SANDWICH, February 12, 1813.**

SIR: In answer to your letter of the 11th instant, I am directed by Colonel Proctor, commanding, to observe that you were sent in for the purpose of attending on the sick and wounded of General Winchester's army, for which purpose you are now detained, and beg leave further to observe that, in the execution of your duty, you will render a most important service to your country. I have the honor to be, &c.

**A. W. McLEAN, A. D. C.**

I continued to attend the wounded until the 2d of March, when A. D. C. McLean informed me that I was accused of carrying on a private correspondence, and that he was ordered to take me into custody, and secure my papers, which was accordingly done in the most uncivil manner. On the 7th of March I was taken by a guard to Fort George, without trial or hearing, although I had written to General Proctor repeatedly, requesting an investigation, to which I received no answer of any kind. From Fort George I was sent to Montreal, and hurried on, night and day, although thinly clothed, having been robbed and stripped by the Indians, and the weather very cold. On my arrival at Montreal, I was, without being asked any questions, or permitted to ask any myself, put into a dungeon eight or ten feet below the surface of the ground, in dark and solitary confinement, and there kept thirty-three days, after which I was put up with the American prisoners. A few days after my elevation, Lieutenant Dudley became acquainted with my situation, and made such representations to Governor Prevost as induced his Excellency to send his Aid, Colonel Baynes, who said he was directed by the Governor to inform me that the outrage which had been committed on my person was contrary to his orders, and told Colonel Lethbridge to take my parole and liberate me immediately. The Colonel, not having materials for writing at hand, said he would send for me at three o'clock. In less than an hour the Town Major came, and informed me that the Governor, on more mature consideration, thought he could not liberate me until he got despatches from General Proctor. On the 17th of May, eight or ten days after, I was taken from prison, and, in company with Lieutenant Dudley, sent to the United States. I may here observe that the apartment in which I was confined did not contain either chair, bench, or stool, or bedding, whatever, for the space of two weeks. Fresh beef was furnished, but no salt. I was denied pen, ink, and paper, and treated uniformly with the utmost contempt by the sergeant, whom I had the honor of seeing once every day for a few minutes. By the request of fourteen Ameri-

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can prisoners, now in Montreal jail, whose names are hereunto annexed, I beg leave to state to your Excellency that they are kept in close confinement, sometimes half a day without water, and frequently two or three days without wood to cook with; and when they complained, the jailer's curses were freely lavished upon them. They have not the privilege of procuring some little necessaries, which the benevolence of some humane persons enabled them to do, by giving them a little money. Sir George Prevost has told them that their confinement is owing to the bad faith of their own Government, &c.

I would have stated to your Excellency the knowledge I had, through a report of others, of the outrages and cruelties exercised on the American prisoners taken at General Winchester's defeat, but must refer your Excellency to Mr. Ruland, who had a command in the Michigan militia last Summer, and who was, after having been dispossessed of all his property, sent to Fort George with me; who, no doubt, had many opportunities of hearing such things triumphantly spoken of among British officers and subjects.

I have the honor to be, your Excellency's most humble and obedient servant,

SAMUEL MCKEEHAN,

*Surgeon's Mate 2d reg't Ohio militia.*

Major Gen. DEARBORN.

*List of persons in the Montreal jail.*—George H. Rodgers, U. S. Army, William Hollenback, Seth Barnes, Gains Hooker, Philaster Jones, Danny Jones, Jared Witherall, Major Watson, Alexander McGregor, Lewis Minor, John Campbell, Zebina Konkey, Pliny Konkey, and David Johnson.

Colonel Thomas Barclay to General Mason.

HARLEM, August 30, 1813.

SIR: In reply to my letter of the 27th current, respecting Mr. Samuel McKeehan, Surgeon's Mate in the Ohio militia, and fourteen American prisoners at Montreal, mentioned by him, I beg leave to assure you that no exertions on my part shall be omitted to obtain an early and satisfactory elucidation of the treatment stated to have been received by Mr. McKeehan, and which he represents the fourteen other prisoners at Montreal experienced. By the next post I shall take the liberty to transmit to you a despatch to his Excellency Sir George Prevost on the subject, with copies of your letter, and the documents enclosed therewith, which I request you will be pleased to have forwarded to Canada by a flag of truce.

I confidently hope a satisfactory explanation will be returned: whatever else may be considered as exceptionable traits in the characters of the individuals composing the nation to which I belong, inhumanity towards prisoners has, I suspect, never before been attributed.

I have the honor to be, &c.

THOMAS BARCLAY.

General Mason.

General Mason to Colonel Thomas Barclay.

HARLEM, August 17, 1813.

SIR: The enclosed is a copy of a letter to Mr. Moore, sub-agent for British prisoners at Schenectady, from Joseph Edwards and Doctor I. Muirhead, two of His Majesty's justices of the peace for the district of Niagara, who, it appears, were paroled on or before the 14th of June last, by the American General commanding at Fort George, but have since been made prisoners, and marched to Albany, without having (as they state) committed any offence, and no cause assigned for this treatment.

If their statement is correct, which, from the respectability of their characters, is most probable, the treatment they have received is a gross violation of the cartel of the 12th of May.

I request you will be pleased to take immediate measures to ascertain the facts, and if the merits turn out, as I hope they will, in favor of these gentlemen, that you will order them to be released, reimburse their expenses from Niagara to Albany, pay three shillings sterling per day for subsistence while in Albany, (to which their rank entitles them,) the necessary allowance for their expenses back to Niagara, and furnish them with passports to return thither.

But should the result of your inquiries prove that these gentlemen have acted improperly or imprudently, I request you will possess me with the particulars. I have the honor to be, &c.

THOMAS BARCLAY.

General JOHN MASON, &c.

General Mason to Colonel Barclay.

OFFICE COMM'RY GEN'L OF PRISONERS,

WASHINGTON, August 23, 1813.

SIR: I have received your letter of the 17th instant, and have written this day to the deputy marshal at Pittsfield, to make the necessary inquiries there, and at Albany, as to the case of Joseph Edwards and I. Muirhead, whose own account of their treatment you have transmitted. I can only assure you, sir, that if anything incorrect has been done towards these persons, an immediate and proper course shall be taken; at any rate, you shall be informed of the result of my inquiries.

In the meantime I shall refrain from entering into a discussion of the merits of the case as supposed by you. I have the honor to be, &c.

J. MASON.

Col. THOMAS BARCLAY, &c.

Extract of a letter from the Commissary General of Prisoners to Colonel Robert Gardner, United States' agent for prisoners near Quebec.

OCTOBER 23, 1813.

Information has been received at this office, that Doctor William McDowell Scott, late Marshal of the United States at Detroit, seized by the British officer commanding at that place, during last Summer, and sent to Quebec, was, and is still, closely confined there; and that Doctor

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James W. Wood, of Plattsburg, Champlain, and Innis B. Palmer, of Schlosser, respectable private citizens, have been seized by the same authority, and confined at the same place.

You are requested to inquire of the proper authority into the circumstances of these cases, and if you find them to exist in the manner I suppose them to be, to remonstrate, respectfully, but strongly, against the confinement and detention of these gentlemen, and that you will use your efforts to have them liberated and sent back to their country, with the prisoners about to be released. You will be pleased to report, in any event, particularly to me, the circumstances of each case, the manner of confinement and treatment, and the alleged cause.

General Mason to Thomas Barclay.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, December 27, 1813.

SIR: Under cover with this, I have the honor to transmit you copies of letters and enclosures received from Colonel Gardner, American agent for prisoners of war in Canada, received a few days ago by Colonel Boerstler, a list of which is annexed.

By these you will perceive the manner in which that gentleman is restricted; how different the treatment towards him from that observed towards the British agents similarly situated in this country. In short, that he is so tied up, that it is impossible that his functions can be performed in such a way as to be of the utility intended toward our prisoners, by the letter and spirit of the arrangement on this subject between the two nations.

I beg to call your particular attention to the letters which passed between Colonel Gardner and Captain Kemp, your agent for prisoners relative to rations. You will observe, sir, that as late as the 31st of October, my last communication, the allowance stipulated by the cartel had not been furnished our prisoners. I have to request, sir, that you will make immediate interference on this occasion, and cause a full allowance to be made them. Our soldiers will feel keenly the difference between half a pound of bread and half a pound of meat. Yours have constantly had it since the establishment of the cartel, and, before that, even more; an early inquiry on this subject is the more necessary on your part, because, from the hesitation of your officers, it does not appear that they mean to alter the system on the remonstrance of Colonel Gardner; and because, as your commanders had refused to receive an agent in Canada, until the latter part of last Summer, we had no means of ascertaining what was the subsistence allowed by your officers in that quarter to our prisoners, until the arrival of Colonel Gardner; remonstrance from this office has been much later than it otherwise would have been.

You will remark, sir, by the communication of General Glasgow, of the 15th of October, to Colonel Gardner, that his letters are all inspected be-

fore they are permitted to come away, and by Colonel Gardner's letter to me of the 19th of October, that all letters, even from this office to him, will be opened.

I am instructed, sir, to request you, in future, to send all your letters for Canada unsealed through this office, and to inform you that all letters from that quarter to you must be inspected.

I have the honor to be, &c.

J. MASON.

Col. THOMAS BARCLAY, &c.

Extract of a letter from Colonel Thomas Gardner, United States' agent for prisoners in Canada, to the Commissary General of Prisoners.

BEAUFORT, October 15, 1813.

I have this day visited the prison at Quebec, accompanied by Colonel Perry, who has a particular command in the city, which includes the prison. Thirteen persons were shown me who were said to be Americans; on inquiry I find, that Doctor Scott and a Mr. Knaggs are American citizens; copies of the statements of their several cases I have the honor to enclose, having also enclosed in a letter to Sir George Prevost (copy of which is herewith) duplicates of the above statements. A Mr. John Gilbert and a black man of the name of Jones are also American citizens; they had previously given to Colonel Perry a statement of their cases, and he forwarded them to Sir George Prevost; they promise to give me copies, and, when I have them, I shall do what I can in their behalf; they were residents in Canada before the war, the others have been long residents in Canada, and most of them under the oath of allegiance to the British Government; one of them (a Roswell Johnson) went from Chary, within the British lines, to shun a militia draught. The situation of these men are as comfortable as prisoners in jail can expect to be; and they say that since Colonel Perry has had the command of the place it is much bettered. There is also on board one of the prison-ships an American citizen of the name of Stephen Richards, whom I think detained contrary to the spirit of the cartel. I have sent a copy of his statement to Sir George Prevost; I enclose you another.

[Enclosed in the preceding letter.]

Mr. William H. Scott to Colonel Gardner.

QUEBEC PRISON, October 8, 1813.

SIR: I beg leave to make a candid statement of my situation. I came into the United States early in 1796, a young man. I resided several years there, and at length regularly became a citizen, and held some respectable appointments. In this situation I was surrendered by General Hull to General Brock, in August, 1812, when we were to be protected in persons and property, and the militia of the country to remain peaceably at home as if nothing had occurred. Shortly after this, I was stripped of all my personal property to upwards of five hundred dollars. I remained quietly at home, and in the Fall had permission from General Proctor to depart in a ves-

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sel, but the season was late and the vessel leaky, so that we had to return. In this manner I remained until the month of February last, when, with a number of Americans, I was ordered to quit the territory for the State of New York, by the way of Fort George, and furnished with a regular passport as a citizen to behave as becometh. We travelled this distance at our own expense, and without any guard. While remaining at Fort George I was examined before his Excellency Sir George Prevost, who declared that I was to be considered in no other light than the others of Brush's militia who were all crossed over there. It was not deemed expedient to cross over any more at that place. Colonel Brush had permission to return to his family, or to go to Kingston, and he crossed over there, which he did two or three days afterwards. While waiting for liberty to cross over I was warned to hold myself in readiness to proceed to Kingston; I was taken charge of as a prisoner by the sergeants and conducted to Kingston from one jail, guard-house, or cell, to another, and from thence to Montreal, where I was examined by the police and committed as a prisoner of war; received information I should be crossed over the line from the police office in the course of a week, and just at that time I was forwarded to this city, and I am now confined as a British subject having an intention of joining Harrison's army, although I had never been examined. Since, and all Winter, if I had been so disposed, could have rode to the army in three hours' time, as it was not thirty miles distant from my farm. I have applied to the Chief Justice of the Supreme Court to investigate the case, but without success as yet. If I am a British subject, I have done nothing to merit imprisonment; if an American citizen, I am illegally confined and detained in prison in this manner. The contractor's agent at Malden purchased cattle of mine for which I have not been paid, exclusive of others taken for immediate consumption, and to be paid for. Also, for the use of my horses for expresses and fatigue; and in addition my horses and sleigh, which I had to leave about twenty miles back of Fort George, when I was made a prisoner. All these things I have suffered without any act or deed, on my part, that I know of, to merit this punishment; and, to crown all, thrown into the common prison, among felons, convicts, and negroes, and sometimes deprived of the common field rations, far from my family and friends, or the means of assistance and relief.

I hope my case, sir, being taken into consideration, I may be honorably released, and suffered to depart in search of my afflicted wife and distressed family. I have the honor to remain, &c.

WILLIAM H. SCOTT.

To Colonel GARDNER.

Mr. Stephen Richards to Colonel Gardner.

ON BOARD H. M. SHIP LORD CATHCART,  
QUEBEC, October 14, 1813.

HONORED SIR: I resided in Upper Canada at the commencement of the present war, and, re-  
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fusing to take up arms against my country, I left this country under the proclamation of General Sheaf, in Upper Canada, turning myself and family out of doors and home to seek another in the United States.

I need not inform you of my feelings on this turn of fortune, which always attend the ravages of war. But my greatest care was for my family, which I considered myself the author of tearing them from their relatives and friends, in removing them to a place they were strangers to. We had lived about six months in this situation, when my wife grew very uneasy to go back to Canada to pay her father's family a visit, which brought an illness on her on this account. I thought it my duty to do what I could for her, and it terminated in making myself a prisoner for six weeks to this day. The way it took place was, that I came to Morristown, opposite to Brockville, where I was taken, and inquired if there was an officer of the army whereby I might procure a flag; but was informed there was none. They informed me that they had crossed with a flag, although not regular, and had always permission to return; and, under this impression, I crossed with my wife; there was a major of the militia who came down to receive me, and told me he had no orders to let me land; I told him I would return; but some of my wife's friends desired the major to let her stay until her brother (who lived near by) could come down and see her; he then told me that I might come alongside the wharf; from thence he informed me that I could go up as far as a tavern, where I was immediately put under guard as a prisoner, and have been sent on as a prisoner of war as far as this place. Thus, honored sir, if you think my situation is worthy of your notice to procure me a discharge, your goodness shall never be eradicated from my memory.

Yours, most respectfully,

STEPHEN RICHARDS,

*Citizen of the United States.*

Colonel GARDNER, Agent.

Doctor Wood to Colonel Gardner.

BEAUFORT, Oct. 18, 1813.

SIR: I take the liberty of troubling you for a moment, and have only to state that I am detained a prisoner in Beaufort by the British Government, and solicit your assistance in procuring my release.

I am a resident of the town of Champlain, in the State of New York, and have resided within one and a half miles of the line of separation between the two Governments for a number of years. I was taken a prisoner by the British troops on their expedition to Plattsburg, on the 30th July last, and have been detained ever since; of which, sir, I think I have just cause to complain, as I was promised by Colonel Murray, who commanded the troops, and Captain Everard, who commanded the navy, that I should not be detained any longer than until their return from Plattsburg, of which I can produce satisfactory testimony; and further, that those officers pledged themselves and their Government by their proclamation, the purport

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of which was, that if the American citizens would not oppose them with force and arms on their Plattsburg expedition, they, nor their property, should not be molested; which condition was strictly adhered to by the American people.

His Excellency, the Governor of the Provinces, Sir George Prevost, issued a proclamation the 4th of September last, disavowing the principle and act of imprisoning civilians, and he cannot pretend that I was taken in retaliation for civilians taken in Canada; for in his proclamation, dated more than one month after I was taken, he disavows of ever having retaliated, but speaks in the future tense, that he will retaliate hereafter in case the Americans persist in the same unlawful practice of seizing and detaining civilians belonging to the British Government.

I am the only prisoner, taken on or near our frontier, who was not doing military duty, and I believe that if Sir George Prevost is possessed of humanity, I am sure he cannot help sympathizing with the unfortunate; and he must be aware of the immense sacrifices of being separated from a family in the way I have been; and, sir, if you will procure my discharge you will lay me under the greatest obligations.

I have the honor to be, &c.

JAMES WOOD.

Colonel GARDNER, &c.

Robert Gardner, Esq., Agent for Prisoners, to His Excellency Sir George Prevost.

BEAUFORT, October, 1813.

SIR: There are detained in Quebec jail two persons by the names of William H. Scott and Whitmore Knaggs; one on board the transport Lord Cathcart, by the name of Stephen Richards, and one other at Beaufort by the name of James Wood, who complain that they are improperly held and detained, the three former as prisoners of war, the latter as a hostage for a Mr. Dixon, taken at Fort George. Copies of the statements of their several cases, made by themselves, I have the honor to forward to your Excellency.

Mr. Scott appears, by his statement, to have been once examined by you, and that according to what he conceived to be your opinion then concerning him, he was not a prisoner of war, and ought to have been returned. What new matter has been brought to light against him, and which is legal grounds for confining him now as a prisoner of war, I cannot tell.

Mr. Knaggs, if his statements are correct, is, as I conceive, improperly detained upon a slight suspicion excited against him without much cause, and which, he says, he can prove to be groundless.

Richards is a simple man, and has been brought into difficulty by following the advice of men who knew as little as himself. He, no doubt, came improperly within the lines, but merely accidentally did so, with his wife in company, and there is no pretence that he was a soldier, or in arms, as he informs me, and if so, he is certainly, ac-

cording to the cartel, a non-combatant, a private citizen, not liable to be held a prisoner of war.

With respect to Dr. Wood, his case is fully stated by himself. It seems he is not exactly a prisoner of war, but held as a hostage. If, as he states, he was improperly seized in the first instance, I beg leave to ask of your Excellency whether his subsequent detention as a hostage is not also improper? He had no agency in the seizure of Mr. Dixon, whether such seizure was correct or not, but relying, as he says, upon the assurances given him by the commanders of the British land and naval forces on the expedition to Plattsburg, looked upon the return of that expedition to the coast of Champlain as the period of his enlargement and restoration to his family. I forbear to make any further remarks on the statements of the above persons, or on their particular cases, in the full confidence that they will receive your Excellency's consideration, and that it will be your pleasure to restore them to their families, if consistent with the discharge of your duty, or that you will have the goodness to give me information, for the satisfaction of my Government, wherein their statements are incorrect.

I have the honor, &c.

ROBERT GARDNER,

American Agent for Prisoners of War.

His Exc'y Sir GEORGE PREVOST, &c.

The brothers of Doctor Wood to General Mason.

PLATTSBURG, Dec. 6, 1813.

SIR: Being brothers of Doctor James W. Wood, the undersigners, with Major E. D. Wood, of the Engineers, beg leave to solicit your attention to a subject very interesting to us, and of the greatest importance to the unfortunate sufferer; more peculiarly so, as he is a private citizen, in no manner connected with the army or navy, without public support, and unexpectedly hurried, by a relentless enemy, from his country and numerous family, daily exposed, from their proximity to the frontiers of the country, to the cruelty and depredations of the foe.

The characteristic humanity, and the watchfulness of the national authorities for the safety and protection of American citizens, have inspired us with a (well founded, we trust,) confidence that the proper official means will be taken to answer our humble request in restoring to his country one who was rendered obnoxious to the invading foe by his zeal and activity alone in his country's cause.

Doctor James W. Wood was taken by a British invading force, near the northern limits of the State of New York, on Lake Champlain, the 30th of July last, soon after conducted to Beaufort, near Quebec, and is now confined there as a hostage for the restoration of Mr. Dixon, a lawyer, taken some time since by the United States' troops under General Dearborn, at or near Fort George, and is now confined a prisoner at Pittsfield.

The public interest permitting, we earnestly entreat that a speedy exchange may take place between them, or some other method, in your

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wisdom, be resorted to, by which our unfortunate brother may be released from the pain and horror of British imprisonment, and shall continue to solicit.

We are, sir, your very obedient servants,  
**BENJAMIN G. WOOD,  
 JONATHAN K. WOOD,  
 IRA A. WOOD,  
 BEZABEL WOOD, JUN.**

OFFICE COMM'RY GEN'L OF PRISONERS.  
 WASHINGTON, Nov. 30, 1813.

SIR: I am instructed to direct you to release all the persons, in civil capacity, now in your charge and on parole, who had been arrested in Canada, in the neighborhood of Fort George, last Summer, of whom you may have no information of misconduct, to return to their homes in Canada, by the most direct route, avoiding all military works and posts. You will give to each a special passport, descriptive of his name and person, and directing him to present himself immediately on his arrival in Canada to the American commander at Fort George, who will be requested to permit them to pursue their usual avocations, and remain at their respective places of residence, during their correct and peaceable demeanor.

They are, I understand, to be William Dickson, barrister at law; Joseph Edwards, merchant and justice of peace; James Muirhead, surgeon; Andrew Heron, merchant, Niagara; John Greer, ditto; John Baldwin, ditto; John Crooks, clerk to James Crooks, merchant; Haggai Skinner, farmer, full sixty-four years of age; — Doan, farmer; — Ramsay, a boy of Stamford; John McFarlane, boat builder.

William Ross, of the commissariat; Alexander Donald, deputy paymaster of militia; and John Symington, deputy paymaster of militia, if they do not hold militia commissions in the line.

You will state to these gentlemen, some of whom are known to be very respectable, that the Government has granted this indulgence from a desire to alleviate the sufferings of individuals as much as the present posture of things will permit, and that it is expected of them that they will, on their return, so demean themselves as to give no future cause of complaint.

I have the honor to be, &c.

**J. MASON.**

**THOMAS MELVILLE, Esq.**  
*Deputy Marshal of Massachusetts.*

Extract of a letter from the Commissary General of Prisoners to Colonel Thomas Barclay, dated  
 DECEMBER 22, 1813.

On the 30th ultimo, orders were given to release, to return to their homes, the British subjects, Messrs. Dickson, Muirhead, and others, sent in from the vicinity of Fort George in civil capacity, relative to whom you inquired in the month of August, and I learn from Major Melville that they have set out on their return.

**JOHN MASON.**

**Col. BARCLAY,**

Extract of a letter from Colonel Baines, Adjutant General of the forces in Canada, to Thomas Melville, Esq., Deputy Marshal of Massachusetts, dated at

MONTREAL, January 31, 1814.

By this opportunity, Doctors Campbell and Easterman are sent back, in conformity to the terms of the cartel, as being non-combatants, and in consequence of your assurance of the release of William Dickson, and the other civilians of Niagara, Messrs. Wood, Scott, Deputy Assistant Commissary Heron, and all other non-combatants, under similar circumstances, have been released and permitted to return at their own convenience, and on the same terms. I have to solicit the release of Deputy Assistant Commissary Green.

OFFICE COMM'RY GEN'L OF PRISONERS,  
 WASHINGTON, January 19, 1814.

SIR: I have now to speak of the facts alleged, and the inferences drawn, in the publication made by you on the 13th of last month, respecting which act I had occasion, in a despatch of this date, to convey to you the sentiments of this Government.

The effort on your part seems to have been to invalidate, before the people of the United States, the whole of the statement relative to the treatment of our agent and prisoners, made, on oath, by Mr. Abraham Walter, late a prisoner at Quebec, by disproving what he had deposed respecting the provisions served out to our prisoners. His allegations, however, that several American prisoners, taken with him in June last, were immediately separated from their comrades and confined, to be sent to England to be tried for treason, on the mere suspicion of the examining officer; that others were forced on board British vessels, to assist in working them to Halifax and England; that forty-six American officers and non-commissioned officers were imprisoned under a proclamation previously made; that some of the American officers had been rigorously confined on the plea of breach of parole; and that Colonel Gardner, the American agent at Quebec, was restricted to the same limits prescribed to prisoners of war on parole, and not permitted to visit prisoners in the prison-ships, or the town, to negotiate his bills, are most of them unquestionably true; and that others, from practices known on different occasions, are by no means improbable, can be readily shown. Of the first class are the facts of the confinement of the forty-six officers, about which no evidence is now necessary; of the treatment of Colonel Gardner, witness the letter of General Glasgow to him of the 19th of October, a copy of which has been heretofore furnished you; of the rigorous confinement of some of the American officers, though it is believed not in irons, for an accidental overstepping of the parole limits, as I am assured by Colonel Boerstler, lately a prisoner at and returned from the vicinity of Quebec,\*

\* It has been found, on further communication with Colonel Boerstler, that he was in part misapprehended in relation to the American officers confined at Quebec



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was the case; and of the forcing our seamen, prisoners at Quebec, to work British ships. To prove this fact, I send you an extract of a letter from Mr. Mitchell, our agent at Halifax, dated November 11, 1813, in which he expressly states that "some of our people have been employed to navigate their transports from Quebec here, and on from this for Bermuda, the transport seamen having been sent on the Lakes," and that he had remonstrated against it; and that this practice is not new, I beg leave to recall to your recollection an advertisement by Mr. Maude, in the Jamaica newspaper, (exhibited to you in my last,) in which he, the British agent for prisoners in that island, offers to hire American prisoners to work British ships on their voyages, &c.; this fact has since been inquired into and established. I have in my possession a Jamaica newspaper containing the advertisement.

Of the second class, is the circumstance of confining American prisoners, on the charge of treason, on mere suspicion. For a similar procedure, I refer to the instances quoted in my letter to you of 23d of November, and an extract of a letter from Mr. Mitchell, of the 11th November last, stating that twelve or fourteen persons, so sent, had passed Halifax, from Quebec, for England. With regard to the other points, previous to the establishment of the cartel entered into between you and myself in May last, and immediately after your arrival in this country, complaints had been made from many quarters, from all as to the quantity, and from several as to the quality of the provisions furnished our prisoners. I will instance a few of them. Mr. Beasley, our agent in England, stated, in a letter dated November 5, 1812, that the allowance per man, other than of bread and vegetables, was, for five days of the week, only half a pound of beef a day, and, for the other two days, one pound a day of herrings or codfish. Mr. Mitchell, American agent at Halifax, wrote, on the 17th of October of the same year, that the prisoner ration there, besides bread and vegetables, consisted of no more than half a pound of meat per day. Colonel Lear, our late Consul General to the Barbary States, having been, on his way from Algiers to the United States, detained at Gibraltar, from early in August to the latter part of November, by the seizure of the ship in which he was a passenger, and all other American ships in port, and the confinement of their officers and crews as prisoners of war, acquired a good knowledge of their treatment from the interference in their behalf which his public character authorized him to make, and informed the Government that "the allowance for American seamen, prisoners in Gibraltar, was, according to the technical expression of the place, six upon four—that is, the full allowance of four

men to be divided among six prisoners; and it was universally said, the part of the allowance which consisted of bread and peas was in so decayed a state as not to be fit or wholesome to be eaten, and that the whole was deficient in weight, according to the proportion before stated. But upon this subject, as well as upon all other points relative to the treatment of American seamen, prisoners in Gibraltar, while I was there, I would refer you to Captain Eben. Eveleth, late master of the *Alleghany*." The following is an extract from a letter of Captain Eveleth to me, on the same subject:

"With respect to the crew of the *Alleghany*, they were sent on board the prison-ship the day after she was detained, and there closely confined till the last of January, when they were sent to England.

"During their confinement on board the prison-ship, their allowance was as follows, viz., for six men :

Days of the week.							
	Bread.	Beef, pieces of 8 lbs.	Pork, pieces of 4 lbs.	Pints of peas.	Pints of oatmeal.	Ounces of sugar.	Pounds of raisins.
Sunday - - - -	4	1	2				
Monday - - - -	4			4	6	4	
Tuesday - - - -	4	1*					
Wednesday - - -	4		2				4
Thursday - - - -	4	1	2				
Friday - - - - -	4		2	4	8	4	
Saturday - - - -	4	1*					

"No fresh provisions or vegetables are allowed on board the prison-ship. The bread, flour, and rice, was generally very bad, being half devoured, and full of insects.

"I myself was permitted to remain on board the *Alleghany*, with my son, the second mate, and steward, until the 18th of November, when, without the ship being libeled, we were sent on board the prison-ship, and fared in the same manner with the rest of the crew until the 21st of January."

You will no doubt recollect that, when the article of the cartel in relation to rations was under discussion, I more than once took occasion to mention to you that the quantum of the ration, as limited everywhere by your Government, was unsatisfactory; and that we had repeated information of abuses as to the quality of the provisions given out by your officers to our prisoners, while your prisoners had constantly received in the United States the most ample and wholesome allowances. It is true, remonstrances were not then more formally made for what was past, because it was considered a greater object to pro-

\* Or four pounds beef and three pounds flour.

for breach of parole; that, as to the accidental overstepping the local limits, he alluded to another case, in which certain officers were threatened with confinement; and that the officers referred to by Mr. Walter had actually committed a reprehensible breach of limits, were closely confined for that offence, and so remained at the time of the last accounts from Quebec.

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vide by express agreement against future deficiencies of this nature.

Since the adoption of the cartel, it gives me pleasure to acknowledge that complaints as to the prisoners' rations have been received but from one of the stations at which we have agents, although many have been urged as to other treatment of our prisoners from several. Your Government is in the habit of holding prisoners at many and at distant places, in which, having no agents, we have no certain information of their treatment; but it is remarkable, that in that instance the complaint was made as soon as it was well possible it could have been done, (in four days after the arrival of the agent,) direct to the proper British officer, and remained, as far as we know, as yet unredressed; and that it comes from the very station (Quebec) in relation to which you have thought proper, in your publication, to advance the position, that, if injustice was done, "blame in some degree attaches to the British officer who has care of the prisoners, but the greater proportion of it must rest on Colonel Gardner, whose duty it is to see that justice is done the prisoners." It is to be remarked, too, that you were in possession of the correspondence of Colonel Gardner, on this subject, with your officers, on the 2d of January, when you express yourself as gratified that Colonel Gardner, with two exceptions, confirms the truth of your assertions; now, certainly he speaks of the treatment of prisoners (in the letter complaining of their subsistence) only in regard to provisions; and in others he complains of the imprisonment of the officers, and his being barred all access to them; of the severe privations inflicted on our prisoner soldiers shipped off to England; because of the refusal to permit him to distribute clothing, and a small advance of pay to them; and against your assertion, that he had the best opportunity of knowing in what manner the prisoners under his care have been treated, he expressly states, that he is so restricted that his presence there can be longer of very little use. I need not remind you that, until the latter part of last Summer, your officers in Canada had constantly refused to receive an agent for prisoners from us in that country; that, very soon after their assent to this measure was signified, Colonel Gardner was appointed and despatched; that he left Boston, the place of his residence, on the 1st of September, and, owing to a detention after he entered your lines, did not reach Quebec until the 8th of October; hence the lateness of his complaint, and of my remonstrance to you of the 27th of last month, made very soon after the reception of his letter. Nor is it less singular that the two exceptions, of which you speak so lightly, happen to be in relation to the two principal points on which you have put yourself at issue with Mr. Walter—the quantity and quality of the bread and meat part of the ration served to the prisoners. Colonel Gardner unquestionably, as to both, expresses himself as dissatisfied, and demands redress—as to the meat, in so great a proportion as one-half of the quantity; and as to the quality of the

bread, it not being made of wheaten flour. It will be readily granted that he does not represent the quality of either bread or meat to have been, at the time he inspected them, (for we have no accounts, as yet, of but one inspection by him,) such as it is stated to have been by Mr. Walter; but, in justice to Mr. Walter, it must be recollected that he was confined in Quebec, and fed on prisoner's allowance for several months before the arrival of Colonel Gardner; and it is not improbable that, under the direction of officers who had continued from early in Summer, (when we know they received the cartel,) as late as November, to furnish only half the allowance of meat promised by their Government, it may have happened that, at some time during this period, they were as regardless of the quality of the provisions as were the officers in Gibraltar the year before, as shown by letters of Colonel Lear and Captain Eveleth, before quoted. I have the honor to be, &c.

J. MASON.

Col. THOS. BARCLAY, &c.

Extracts of a letter from Colonel Thomas Barclay to the Commissary General of Prisoners, dated

(HARLEM, January 25, 1814.

That Mr. G. Walter's representation did not comport with the truth, is evident from Colonel Gardner's letter of the 12th October, 1813, to Captain Kempt, British agent for transports and prisoners of war, wherein, after stating that the American prisoners at Quebec were not subsisted agreeably to the cartel of the 12th of May, and requesting that half a pound of bread may be deducted from the rations received, and half a pound of beef or a quarter of a pound of pork added, in order to make the ration agree with the directions in the cartel, he adds, "I take this opportunity to say to you, that I see no cause at present to be dissatisfied with the treatment of the prisoners in other respects."

There was no intention or effort on my part, as you have been pleased to state, "to invalidate before the people of the United States the whole of the statement relative to the treatment of your agent and prisoners, made on oath by Mr. Walter;" on the contrary, if a fair construction is given to the publication by me, the other charges, from my silence respecting them, would rather be considered as admitted than denied. I abstained from touching on them, because they have been repeatedly subjects of correspondence between you and me. On the subject of provisions issued to the American prisoners at Quebec you had never complained, and I confess I rather looked for your approbation than objections to my correcting the misrepresentation. The two nations are already sufficiently irritated against each other, to render fuel to the flame unnecessary by means of false representations.

With respect to the grievances stated in your second letter of the 19th instant, I have to remark, that they are matters which must be negotiated between Mr. Monroe, Secretary of State, and Admiral Sir John Warren, or with His Majesty's

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Ministers in London. I shall transmit copies of your letter to the Commissioners, and call their attention particularly to Captain Eveleth's table of provisions daily issued at Gibraltar, described in your letters, and acquaint you with the answer.

I have lately received from the Commissioners the objections of His Majesty's Ministers, and the Lords of the Admiralty, to some of the articles of the cartel of 12th of May, 1813, one of which is particularly pointed to the ration of provisions agreed upon in that cartel. I am preparing copies for you, which I hope to forward in a few days.

Lieutenant Deacon to the Secretary of the Navy.

WASHINGTON CITY, Feb. 10, 1814.

SIR: Enclosed you will receive a list of thirteen American seamen, prisoners of war, confined on board the British prison-ships at Quebec. On or about the middle of September, 1813, they were forcibly taken out of said prison-ships and sent on board the homeward bound transports, to assist in navigating them. A certificate signed by Mr. Osgood, master's mate in the United States' navy, who was present at the time, together with a copy of an order from General Glasgow, the Commandant at Quebec, to Captain Kempt, the British agent for prisoners, directing him to take the American prisoners for that purpose, was left in the hands of General Chandler, to be forwarded on to the Navy Department; as they have not been received, I feel it my duty to make this statement known.

I have the honor to be, sir, &c.

L. DEACON,

*Lieut. com'g U. S. schr. Growler.*

Hon. WM. JONES, *Sec'y of the Navy.*

List of American seamen, prisoners of war, taken from on board the prison-ship at Quebec, to work on board the transports, and sailed from thence.

United States' schooner Growler.—Colvin Williams, boatswain; William H. Warner, seaman; Philip Baker, ditto; William Johnson, do.

Schooner Julia.—William Wilcox, seaman; John Mallet, ditto; John Rian, do.; James Peterson, do.; John Bernard, do.; John Smith, do.; James Riley, do.; Edward Myers, do.; George Springs, do.

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, April 2, 1814.

SIR: One of the objections to the cartel entered into between you and myself on the 12th of May last, made by the Commissioners of the British Admiralty, as stated to me in your letter of the 1st of February, is to the allowance to prisoners for subsistence. The daily ration agreed upon in that instrument for prisoners, and certainly little enough to support a hearty man without suffering, was one pound of beef, or twelve ounces of pork, one pound of wheaten bread, one-fourth of a pint of peas, or six ounces of rice, or one pound of potatoes, and two quarts of salt and

four quarts of vinegar to every one hundred rations. In the new project of arrangement, all stipulation about quantity of provision is rejected; and you inform me that it is intended to give our prisoners one pound and a half of the coarsest bread per day; and to eat with their bread, for two days in the week, no meat; only one pound of herrings, and one pound of potatoes, for one of these days, and, for the other, one pound of codfish and one pound of potatoes; for the other five days only half a pound of fresh beef, half a pound of greens, one ounce of Scotch barley, and one-quarter of an ounce of onions, with one-third of an ounce of salt; no vinegar at any time, and no salt for two days in the week.

I should not have called this subject now separately to your attention, but that in a letter just received from Mr. Storm, agent for American prisoners at Barbadoes, is the following passage: "I now have to state that Mr. Barker, the British agent here, has officially informed me that the convention entered into between yourself and Colonel Barclay has not been ratified by the Government of Great Britain; of course, our prisoners are not allowed more than two-thirds of what they had. I await your instructions on the subject."

I infer from this that the British Government has come to a determination as to the provision article, and have given orders to reduce the ration to the standard stated by you, since it is actually in practice at Barbadoes.

I beg to be informed on this subject. You are pleased to remark, in your letter of the 1st February, in explanation of this article, that the British Government, so frequently involved in war, has had an opportunity to ascertain what is a rational and proper allowance to prisoners; that it is reasonable to suppose the ration used in Britain, as described by you, "is, in truth, a proper allowance."

You must permit me to observe that this was not your opinion heretofore, and I should hope cannot now be so, when you reflect on the subject. It is a matter of daily experience and feeling common to every man of every class in the community. Every man can at once decide that one pound and a half of coarse bread, with the scanty appendages of one pound of herrings or codfish, and one pound of potatoes, will not satisfy for a day the cravings of hunger; and that the half a pound of beef, with the pittance of greens, barley, and onions allowed, will be very little better. Our prisoners in your hands, on such an allowance, must suffer constantly and severely from hunger. Your prisoners, if reduced to a like allowance, must suffer in an equal degree; and yet, repugnant as it will be to the wishes and feelings of this Government, if that course has been determined on by your Government, it will necessarily be adopted here. I request your particular and early attention to this case, so important to humanity, and shall be much gratified if you are authorized to make any arrangement upon the subject that may obviate the sufferings, on both sides, which must ensue by a system

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which will deal out to the unfortunate prisoners less subsistence than is absolutely requisite.

The privations of these men are, of necessity, sufficiently great; let us avoid increasing them, I entreat you, by refusing that which is everywhere, proverbially, the first call of nature, *enough to eat*, and the want of which sinks deepest into human wretchedness.

I have the honor to be, &c.

J. MASON.

Colonel THOMAS BARCLAY, &c.

BLADENSBURG, April 5, 1814.

SIR: Your letter of the 2d instant I did not receive yesterday noon. My letter to you of 1st of February was drawn up conformably to the instructions I received from the Commissioners. I have long since transmitted to them a copy of my letter to you, and, at the same time, communicated to them fully my sentiments on each of the articles contained in the cartel of the 12th of May, and the amendments proposed. I think it probable I shall receive an answer in May or June. In the interim, however, I hope to receive your answer to my letter; indeed, I have long since expected it. Under present circumstances, I cannot return you an answer to the inquiry contained in your letter of the 2d of this month. The 7th article in the draught of the cartel sent you to be submitted to the President, states, "they (the prisoners) are to be furnished by the Government in whose possession they may be, with a subsistence of sound and wholesome provision." I acknowledge the clause is vague, and perhaps it would have been preferable to have specified the articles and quantity. Yet the word "subsistence," intends a reasonable quantity for the support of nature; and the words "sound and wholesome provision," certainly designate the quality. The precise quantity issued for each Government may readily be ascertained through the respective agents of both nations.

You misapprehend me when I state I inform you that it is intended to give the American prisoners one pound and a half of the coarsest bread a day, &c. By referring to my letter of the 1st of February, you will find I expressed myself in the words following: "I transmit herewith a table of the provisions daily issued to prisoners in Great Britain, and elsewhere in the British dominions, save in such places as the agents have adopted the regulations of the cartel, but which will eventually be countermanded." The quality of the bread is not mentioned; nor did I state that, if the proposed cartel was agreed to by the President, in lieu of that of the 12th of May, that the American prisoners, under the words of the cartel, would receive subsistence precisely conformable to the copy of the table of provisions sent you. I beg leave, however, to say, I think it probable, and for the reasons given in my letter of the 1st of February.

I have received no further information on the subject of the provisions to be issued to prisoners, since I wrote you in February. From

what Mr. Storm writes you, it is evident the Commissioners have sent orders to the West Indies on the subject. Lieutenant Miller, at Halifax, in his letter to me of March, does not hint that he had received any.

I have the honor to be, &c.

THOMAS BARCLAY.

General MASON, &c.

B.

Abstract of the causes assigned by the British Admiralty for refusing to discharge seamen impressed from American vessels into the naval service of Great Britain, calculated to show the grounds upon which a compliance with the demands of the agents of the United States to discharge such seamen is stated to have been declined on the part of the British Government.

*Refused to be discharged for the following reasons, viz:*

- Having no documents.
- Born in England.
- Not Americans.
- Protections irregular.
- Regularly exchanged as British subjects.
- Ignorant of America.
- Taken in enemies' privateers.
- Voluntarily entered, and received the bounty.
- Had accepted warrant offices in the British navy.
- Said to be impostors.
- Not answering descriptions given in protections.
- Natives of foreign countries—Prussia, Sweden, &c.

*Insufficiency of documents, viz :*

- Protections from Consuls and Vice Consuls.
- Notarial and other affidavits made in the United States.
- Collectors' protections.
- Discharges from British ships of war as American citizens.
- Discharges from American ships of war as British subjects.
- Admiralty protections.
- Forged protections.
- Collectors' duplicate protections.
- Documents from the Department of State of the United States.
- Indentures.
- Notarial affidavits made in England.
- Marriage certificates.

*Other reasons, viz :*

- Not on board ships stated.
- Deserted.
- Drowned, or otherwise dead.
- Invalided.
- Sent into the service for smuggling.
- Said to be on board ships not in commission.
- On board ships on foreign stations.
- Were released from prison in Gottenburg.
- Not knowing where or in what ships they are serving.
- Names of the ships cannot be ascertained.
- Killed.

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[Correspondence of Mr. Beasley, concerning seamen impressed from American vessels before the commencement of the war, and detained in the British service.]

Mr. Croker to Mr. Beasley.

ADMIRALTY OFFICE, August 5, 1812.

SIR: Having communicated to my Lords Commissioners of the Admiralty your letter of the 31st ultimo, transmitting a list of men, said to be Americans, who have been impressed and detained on board His Majesty's ships, and requesting their discharge, I have their Lordships' commands to acquaint you that, under present circumstances, they will defer the consideration of this request. I am, &c.

J. W. CROKER.

R. G. BEASLEY, Esq.

Extract of a letter from Mr. Beasley to Mr. Monroe, dated

LONDON, Oct. 23, 1812.

I have informed you that I had addressed Lord Castlereagh on the subject of our citizens who have been impressed, and are now held in the British naval service. I demanded their release, and complained of the treatment which some had received on offering to give themselves up as prisoners, or refusing to serve when they heard of the war. In reply, I have received a short note from Mr. Cooke, one of the under secretaries, stating that he was instructed to require of me the names of the men who had received the treatment complained of, and the vessels in which they were; which I immediately furnished. I urged a reply to the other part of my letter. In an interview which I have since had with Mr. Cooke, I took occasion to remind him of it; when he intimated that the Government did not intend to answer me on that point, adding, that England was fighting the battles of the world; we had chosen to go to war, and so aid the great enemy; and that England had as much right to recruit her army and navy in every possible manner as France.

Extract of a letter from Mr. Beasley to Lord Castlereagh, dated

WIMPOLE STREET, Oct. 12, 1812.

In consequence of the war unhappily existing between the United States and Great Britain, it has become my duty to call your Lordship's attention to the situation of the great number of American seamen who have been impressed, and are now held in the ships of war of His Britannic Majesty.

To put an end to a proceeding and a state of things so revolting to humanity, and so contrary to the law and usage of civilized nations, I persuade myself it is only necessary to present them to the view of the British Government, and I therefore trust that effectual measures will be immediately taken to restore these injured men to liberty and their country.

Extract of a letter from Mr. Beasley to Mr. Cooke, of the Foreign Office, dated

OCTOBER 19, 1812.

I beg you to remind Lord Castlereagh that the other part of my letter of the 12th instant, requesting the release of the American seamen detained in the British service, is still unanswered.

Extract of a letter from Mr. Beasley to Mr. Monroe, dated

LONDON, October 28, 1812.

Since writing you the 22d instant, I have called twice at the Foreign Office, and, I am happy to state, I found Mr. Cooke more reasonable on the subject mentioned in my last. Indeed, the tone and substance of his conversation were so much changed, that I shall have little to complain of if followed up in practice. In communicating to you, however, this apparent change, I regret to be obliged to add, that within the last three or four days, many of our seamen have been impressed; and I learn that attempts have been made (and in some instances with success) to entice some who were confined as prisoners to enter into British ships of war and merchantmen.

Mr. Barrow to the Transport Board.

ADMIRALTY OFFICE, Feb. 25, 1813.

GENTLEMEN: Having laid before my Lords Commissioners of the Admiralty your letter of the 18th instant, enclosing the copy of a letter, together with the documents therein referred to, from Mr. Beasley, the American agent for prisoners of war in this country, on the subject of certain alleged citizens of the United States detained in His Majesty's service, I have it in command to signify their Lordships' directions to you to acquaint Mr. Beasley that neither now, in war, nor before, during peace, is or was the British Government desirous of having American seamen in its service; and that their Lordships will now discharge, as prisoners of war, as they formerly did as neutrals, those persons who can adduce any sufficient proof of their being Americans.

You will further inform Mr. Beasley, that all the cases stated by him have received or are under accurate examination; and that such persons who may appear to be Americans will be immediately sent to prison, as many have been already.

I am, &c.

JOHN BARROW.

WIMPOLE STREET, March 13, 1813.

SIR: I was duly favored with your letters of the 26th ultimo and 6th instant, each enclosing the copy of a letter addressed to the Board on the preceding day by the Secretary of the Lords Commissioners of the Admiralty. I regret that other engagements should have delayed till now a particular notice of their contents, as these include a charge against myself which perhaps required an earlier refutation.

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In the letter of their Lordships' secretary of the 5th instant, the Board are directed to observe to me that the printed letter which I addressed to certain American seamen detained in the British navy, "contains a statement unfounded in fact, for that neither since the war with America, nor before, have their Lordships declined to release American seamen admitted or proved to be such."

It is not necessary to my present purpose to enter upon an examination of their Lordships' conduct on this matter before the war; although my own official observation in numerous cases, when I held the office of Consul, would authorize me to dispute even that part of their secretary's assertion. But with reference to their Lordships' conduct since the war, I beg to remind them of their letter of the 5th August, soon after the commencement of the war, in answer to a request made on the 31st July for the release of certain impressed American seamen, in which their Lordships, going beyond the mere declining to release the men, stated "that, under the present circumstances, they will defer the consideration of the request for their release;" or, in other words, that they will not, at present, war being commenced, even think on the subject of their release. If further proof be necessary of their Lordships having, as I stated in my printed letter, declined the release of such seamen in consequence of the war, I will call to their recollection a letter written by their secretary on the 25th August, in answer to an application for the release of William Wilson, an impressed American detained on board the *Cornelia*, in which they state that "this man, being an alien enemy, *must continue to serve or to go to prison.*" Should other corroboration be wanted, it may be found in the long and marked silence of the British Government to my numerous applications again and again repeated for the release of these men, seeing that it was not until the 25th February, nearly seven months after their Lordships had informed me of their having deferred the consideration of the subject, and nearly five months after my formal demand made to Lord Castlereagh, that they directed the Board to inform me of their intention to treat them as prisoners of war. And even this was not done until eight days after my printed letter in question appears to have been on their table. Surely it was in utter forgetfulness of all these circumstances that their Lordships declared my statement unfounded in fact; for it appears impossible that they can, in the mind of any person, bear a different interpretation from that which I have given them. But how do these facts bear on their Lordships' statement? How, I ask, does their determination that Wilson, proved and admitted to be an American, must continue to serve or go to prison, support the assertion that their Lordships have not declined to release American seamen admitted or proved to be such? But, perhaps, in their Lordships' view to send them from service and detention in ships of war to confinement in prisons is to release them. If so, it is unnecessary to pur-

sue the subject further, and I will content myself with having vindicated the correctness of the statement.

I come now to the consideration of their Lordships' purpose, as expressed in their secretary's letter of the 25th ultimo, to treat as prisoners of war the American seamen who have been impressed, and are held in the British service. Taking into view the manner in which these unfortunate persons came into the power of the British Government, that their own rights and inclinations, the rights of their country, the law of nations, and every principle of justice, were violated in the very act by which each of these men was brought within its power, and that this wrong accumulates so long as any of them remain in its power, I do maintain that they are, on every ground, entitled to, and that the British Government is bound to grant their immediate and complete release. It acquired them only as the spoils of unlawful violence. How, then, can it retain them as the fruits of lawful war? Its right of control over them can only arise from the lawfulness of their detention; but that which was unlawfully taken cannot be rightfully held; and to acknowledge the pretension to such control as their Lordships' purpose implies, would be to legitimatise the act by which they came into their power. The British Government disclaims all right and all intention to take them, and this disavowal is an acknowledgment of its obligation to restore them to the same condition and to the same freedom from which they were taken. Upon what grounds is it, then, that they are to be treated as prisoners of war? Not many years have elapsed since all Europe resounded with the complaints of Great Britain against France for detaining as prisoners of war certain British subjects, who, having entered the French territories in time of peace, were found there at the breaking out of the war. But if that were regarded in England as an outrage, what will be thought of this detention as prisoners of war of American seamen, who, having been wrongfully taken on the high seas, and forcibly carried into the British service in time of peace, are found therein, at the breaking out of a war doing her service and fighting her battles? The conduct of France was attempted to be justified by certain acts of England, which were alleged to be equally contrary to the law of nations. But what justification, what excuse can be set up for this conduct of Great Britain towards the impressed American seamen? What infraction of the law of nations, what violence or injustice exercised towards British subjects, or what outrage is this: cruel act to retaliate? It cannot be the free and spontaneous permission given by the United States, at the commencement of the war, for every British subject of every class and description found within their territories or in their power to return to his country that this imprisonment of American seamen is to requite. And surely this cannot be the indemnification which Great Britain offers these unfortunate men for the wrongs which she has inflicted on them, or



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the reward which she bestows for the service she has received at their hands.

To the unqualified prohibition of all correspondence between myself and the impressed American seamen in His Britannic Majesty's fleet, so unreservedly stated in the letter of their Lordships' secretary of the 6th instant, I must conform, whatever may be my feelings and sentiments respecting it. The situation in which these unfortunate men and myself stood towards each other, appeared not only to invite but to authorize a communication between us. On their part the object of this correspondence was to obtain information and counsel as to the proper manner of conducting themselves under circumstances the most difficult, and an occasion the most important and solemn, namely: how to act while forcibly held to service in ships of war belonging to a State engaged in actual hostilities against their country; a situation which their own good sense and proper feelings taught them was alike incompatible with their rights and their duties. My part has been, after having waited five months in vain for a communication of their Lordships' intentions, to recommend them, since there appeared no means of obtaining their release, to give themselves up as prisoners of war; an evil comparatively light to that which they suffer. In other instances their letters have related the rejection of their offer and the threats of punishment; and all contain complaints of the unexampled hardship of their situation. However, as their Lordships declare that the British Government has no wish to have American seamen in its service, they will no doubt adopt some effectual plan to make known these sentiments to all such seamen now in its service, and at the same time to inform them of the manner in which, if they desire to leave it, their object may be accomplished. Since I am no longer permitted to advise them in these matters, such a proceeding on the part of their Lordships becomes, under all the circumstances, an indispensable measure of justice towards the men, while it is also necessary to prevent their Lordships' intentions on so momentous a subject from misinterpretation. If the consequence of this interdiction of the correspondence with me be to bring the condition of these men more completely under their Lordships' notice, there will, I trust, be less reason to regret it. I entreat their Lordships to take their claims into the most serious consideration. Their detention appears to be the only remaining ground of that unhappy quarrel which divides the two countries; and in their immediate release their Lordships have an opportunity, by an act of justice and of magnanimity worthy of the British name, to bring back peace, and to restore those relations of honorable friendship so natural and so beneficial to both.

I have the honor, to be, sir, your most obedient servant,

R. G. BEASLEY.

ALEXANDER McLEAY, Esq., &c.

*Transport Office.*

Extract of a letter from the Commissioners of the Transport Board, in London, to Reuben G. Beasley, Esq., agent of the United States in England, dated

TRANSPORT OFFICE, May 26, 1813.

We have received your letter dated the 15th instant, and, having communicated the same to the Right Honorable the Lords Commissioners of the Admiralty, we are instructed by their Lordships to inform you that to your former letter of the 13th of March last, their Lordships did not authorize us to return an answer, because it referred to subjects which it is beyond your competency, in the character of agent for prisoners of war, to discuss, and because, easy as it would have been to have completely answered the misconceptions and misstatements of that letter, it seemed unnecessary to proceed with a correspondence which could conduce to no practical effect.

On the subject of your late application, we are to repeat to you, that neither before the war nor since has this country been desirous of retaining in its service any *bona fide* American citizens, but that the flagrant and undeniable abuses of the official documents of American citizenship (to say nothing of the question of naturalizing British subjects) have obliged their Lordships to look at all such documents with the utmost distrust.

And if, from the similarity of language and manners, some American seamen have been impressed into His Majesty's service, the blame is imputable to those who have permitted the official documents of citizenship to be so prostituted as to be at last wholly undeserving of any attention or respect, and the British Government has always regretted that this check (slight as it originally was) has been so infinitely abused, and, finally, so completely destroyed, not only for the sake of the Americans themselves, who might thereby suffer the inconvenience of a temporary detention, but for that of the British officers, who were thereby rendered still less capable than before of distinguishing the persons whom it was their duty to impress.

Their Lordships, for the reasons already stated, do not enter with you into any explanations of the rules which governed their conduct on this subject before the war; but as far as regards the prisoners of war sent, either at your or their own request, to prison, from His Majesty's service, their Lordships have no hesitation in stating that they have, in favor of that first principle of civilized society, the allegiance which is due to the land of a man's nativity, been anxious to avoid even the possibility of obliging any American to fight against his country; and they have, therefore, discharged persons from the military service of this country, on evidence of their being Americans, which would not, in ordinary times, have been considered sufficient, even in the opinion and practice of the American consulate here, to obtain their release. And it has happened that several persons have, on their own assertions, or on production of American documents,

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been so discharged, of whom it has since been discovered that they are natural born subjects of His Majesty, and that such assertions were false, or such documents fraudulently obtained.

But while their Lordships prefer the risk of losing the services of a British subject to that of obliging an American citizen to continue in arms against his country, they cannot, on evidence loose and unsatisfactory, or without any evidence at all, permit such persons to proceed to the United States to bear arms against this country. We are, therefore, to acquaint you that persons discharged to prison from His Majesty's service, as being Americans, cannot be released, unless, in each individual case, you shall produce satisfactory proofs that the person whose exchange you demand, is a natural born American citizen. Whenever such proof shall be produced, the person will be immediately released from prison, upon the usual terms of exchange, if he has been a volunteer into our service; or, if an impressed man, freely and without restriction.

Mr. Beasley to Alexander McLeay, Esq., Secretary of the Transport Board.

HARLEY STREET, May 29, 1813.

SIR: I have received the letter addressed to me by the Board on the 26th instant, communicating the present intentions of the Lords Commissioners of the Admiralty, respecting the American seamen who have been heretofore detained in the British service.

In making those observations in my letter of the 13th of March upon this subject, which their Lordships consider as entering upon a question beyond my competency to discuss, I was influenced solely by a sense of duty. The topic is unfortunately too humiliating to be willingly selected; but painful as its consideration was to myself, and unwelcome as it appears to have been to their Lordships, I cannot regret that I yielded to the necessity of presenting it clearly to their view, since it now appears that their Lordships no longer adhere to their determination, that impressed American seamen must continue to serve His Britannic Majesty or go to prison, to be released only as prisoners of war.

I cannot but lament that, as their Lordships thought it necessary to allude to "misconceptions and misstatements," which they represent that letter to contain, they did not take the trouble to point them out, especially as, in their opinion, they might have been "so easily answered." I lament this the more, as I can discover nothing in it which further reflection and experience do not confirm.

But whatever ground their Lordships' letter affords for retorting such a charge upon themselves, I forbear to notice. If their Lordships do see, in the fraudulent use of documents of American citizenship by British seamen, any excuse for impressing and detaining American seamen in the British navy, and if they do consider such impressment and detention as only a temporary inconvenience to the American seamen, and if

they think that the blame of all such impressment and detention is imputable, as their letter insinuates, to the United States, I should utterly despair that our opinions could ever be brought to coincide, and, consequently, that any practical good could result from any effort of mine to effect it. Happily, however, this is not now necessary. The question does not relate to the abuse of documents of American citizenship, whether resulting from forgeries practised here, or frauds committed in the United States; nor is it essential to inquire whether American seamen have been taken through error or design; nor whether their impressment and detention be in conformity with long and general practice in the British navy, or contrary to the wishes of the British Government. The fact is admitted that American seamen have been impressed and held in the service of Great Britain, and their Lordships now declare that, upon satisfactory proof of this national character, they shall be released, either as prisoners of war, or freely and without restriction. The question then is as to the proof.

But, on entering upon this question, we should not overlook the very important consideration that the greater number of these persons having been taken from American vessels, were, whether they did or did not bear documents of their citizenship, taken against the *prima facie* evidence of their being American citizens. They were deprived of the benefit of this evidence upon the mere suspicion of persons interested in discrediting it, and they have been detained in the British service without any evidence of their being British subjects. It is the British Government, therefore, on which the burden of proof should still lie.

These unfortunate men are, however, in the power of the British Government, and it imposes this burden upon them. To this additional hardship they must therefore submit. We come, then, to its operation.

The official documents of American citizenship are declared by their Lordships to be "wholly undeserving of any attention or respect," and in but few instances has there been an opportunity to obtain any other evidence. Thus, there remains scarcely any documentary testimony to offer on behalf of these men, and a very long time must necessarily elapse before it could be received from America. But, with respect to many of them, I am persuaded that no such evidence need be sought; and, to delay the release of those who are clearly Americans, is not, I trust, now intended by their Lordships.

To prevent, therefore, in some degree, the hardships to which the measures proposed by their Lordships must necessarily subject the far greater part of these unfortunate men, I would suggest that their Lordships should authorize competent persons to examine those who claim to be Americans, and that such as, in the judgment of these persons, are *bona fide* Americans, should forthwith be released, according to the terms of their Lordships' letter. I will most readily assist at such examinations, and will

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communicate any documents or papers in my office, which may be considered necessary to facilitate the object. With regard to those who may not be able to satisfy these persons respecting their national character, I will cause proper inquiry to be made at the places to which they respectively claim to belong, and they may be in like manner released, when the proof which may have been deemed necessary shall be received.

Their Lordships will not, I trust, be withheld from the adoption of these or some other equally fair means of investigating, without delay, the claims of these men by any technical incompetency on my part to offer such suggestions. Whatever may be my powers, their Lordships are at all events free to adopt such means as may be equitable; and for the desire they express to "favor that which they consider the first principle of civilized society, the allegiance which is due to the land of a man's nativity," (which principle would be scarcely less violated by depriving his country of his assistance in her defence, than by "obliging him to fight against his country,") I would fain hope they will prefer those which will be the most effectual to the end. Nor, I persuade myself, will the consideration that the United States are now carrying on war for the redress of the wrong done in the detention of these men, prevent their Lordships from redressing the wrong of themselves, not only because it is the duty of a State to remove all just ground of complaint, even on the part of an enemy, but because, by so doing, they would, in a great degree, supersede the necessity of a continuance of the war.

I cannot close this communication without expressing my anxiety at the total silence of their Lordships respecting the numerous representations which have been made by me since the war of individual cases of impressment. In many of these cases the proof has been such as should not have failed to satisfy their Lordships, even disposed as they are to look at all proof in these matters with the utmost distrust, that the men on whose behalf it was offered are *bona fide* American citizens. Yet in no instance have I heard of any favorable decisions on their claims. I will hope, however, that the course which their Lordships will adopt may speedily remove all those unfavorable impressions, which, with every disposition to give them credit for the most just intentions, could not fail to result from this single fact that, among the thousands of impressed men in the British navy who claim to be Americans, I have not heard of one man who has been freely released and permitted to return to his country since the commencement of hostilities.

I am, sir, your most obedient, humble servant,  
R. G. BEASLEY.  
ALEXANDER McLEAY, Esq., &c.

Mr. Beasley to Mr. Monroe.

LONDON, June 10, 1813.

SIR: The numerous instances of hardships imposed on American citizens by impressment,

which came under my observation when I held the office of Consul, could not fail to make a deep impression on my mind. I therefore availed myself of the earliest opportunity to address the British Government on the subject. If any incentive had been wanting to this step, I should have found it in the many communications which I daily received from those unfortunate persons; all asking advice, and some complaining of acts of cruelty by British officers, because having heard of the war they refused to do service. Relying on the justice and magnanimity of the British Government, I considered it would be an insult to demand redress, or even to remonstrate; I therefore contented myself, as you will have seen by my letter to Lord Castlereagh on the subject, with merely representing the facts. But if my confidence was great, so has been my disappointment; for an answer to my letter of the 13th October was not returned until the 26th May, notwithstanding I had frequently called it to the attention of the Government. And it appears I owe this answer to the following circumstance: After having waited so many months for the sentiments of the Government on a topic involving the happiness of thousands of my countrymen, I was induced, as the season was near at hand when many ships would proceed to foreign stations, to issue a circular in answer to the numerous letters which I had received in the interval, stating that the Lords of the Admiralty having declined to release American citizens who had been impressed, there appeared to be no other course than to give themselves up as prisoners of war. Not many of these letters reached the parties before I was informed that "I must not correspond with persons in His Majesty's fleet; and that my circular contained a statement unfounded in fact, for neither before the war nor since had the Lords of the Admiralty declined to release Americans admitted or proved to be such." My letter of the 13th March contains my sentiments on these two points; on the latter I have proved the correctness of my statement by letters from under their Secretary's own hand. In their reply of the 26th May, they say, easy as it would have been to have completely answered the misconceptions and misstatements of that letter, they decline doing so, because it refers to subjects which it is beyond my competency, in the character of agent for prisoners of war, to discuss. And they repeat, "that neither before the war nor since has this country been desirous of retaining in its service any *bona fide* American citizens;" that, at the same time, they cannot, on evidence loose and unsatisfactory, or without any evidence at all, permit persons to proceed to the United States to bear arms against this country; that, therefore, those who have been discharged from His Majesty's service to prison as being Americans, cannot be released unless, in each individual case, satisfactory proof shall be produced that the person whose release is demanded is a natural born American citizen; and that, when such proof shall be produced, he will be immediately released from prison upon the usual terms of ex-

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change, if he has been a volunteer, or, if an impressed man, freely and without restriction.

To prevent, in some degree, the hardships of the measure thus proposed, I suggested in my letter of the 29th May, that they "would authorize competent persons to examine those who claim to be Americans, and that such as, in the judgment of these persons, are *bona fide* Americans, should be forthwith released according to the terms of their letter." I offered to assist at such examinations, and to communicate any documents or papers in my possession that might be considered necessary to facilitate the object; and, with regard to those who might not be able to satisfy these persons respecting their national character, I would cause proper inquiry to be made at the places to which they respectively claim to belong concerning the truth of their allegations, that they might, in like manner, be released when the proofs which might have been deemed necessary should be received.

To this proposition I have just received their answer, stating "that they have nothing to add to their former communications on this subject, by which they mean to abide."

Now, that you may know what value to place on the repeated assurances contained in that communication, I beg to state that, since the 9th of March last, I have transmitted documents (many of which came authenticated from the Department of State) on behalf of one hundred and sixty-five persons, impressed and detained on board of British ships, and that they have not thought proper to notice a single case.

What a prospect for those unfortunate men—to linger in prison, or to fight against their country! This is literally their unhappy lot; for it is insulting to talk any longer of evidence, when it is manifest that none that could be produced would be found satisfactory; when they refuse even to examine the cases; and when the very language the victims speak is considered *prima facie* evidence against them.

I have the honor to be, &c.,

R. G. BEASLEY.

HON. JAMES MONROE, &c.

Extract—Mr. Beasley to Mr. Monroe.

LONDON, July 5, 1813.

Notwithstanding the fair promises made some time ago relative to our citizens who had been impressed, there is scarcely an instance of a discharge from the prison-ships.

Mr. Beasley to Mr. Croker.

No. 65, HARLEY STREET,  
July 13, 1813.

SIR: I transmit herewith the copy of an application which I made to the Transport Board, on behalf of Jonathan Bigelow, the bearer hereof, an impressed American seaman, as also of the answer I have received.

I now transmit documents in proof of his being an American, as mentioned on the other side,

and I have to request that he may be discharged from His Britannic Majesty's service, in conformity to the determination of the Lords Commissioners of the Admiralty respecting American seamen, as communicated to me by the Transport Board in their letter of 26th April last.

I am, sir, &c.,

R. G. BEASLEY.

J. W. CROKER, Esq., Admiralty Office.

Certificate of his birth granted by the town clerk of the place wherein he was born; certificate of his parents being inhabitants of said place, authenticated by a notary public; and a protection granted by the collector of the district of Penobscot, dated 23d May, 1810.

Mr. Barrow to Mr. Beasley.

ADMIRALTY OFFICE, July 14, 1813.

SIR: Having laid before my Lords Commissioners of the Admiralty your letter of yesterday's date and its enclosures, requesting the discharge of Jonathan Bigelow, an American, belonging to His Majesty's ship *Cornelia*, I have their Lordships' commands to acquaint you this man must join his ship, in order that the necessary inquiries may be made into his case. I herewith return the documents, and am, sir, &c.

JOHN BARROW.

LONDON, September 1, 1813.

SIR: I beg leave to call your attention to the case of Jonathan Bigelow, an American seaman, who was impressed into the British service in the year 1807, and has been held therein ever since. In the month of July last, this man being then on leave of absence from the *Cornelia*, applied to me to procure his discharge from that ship. I made a request to that effect to the Transport Board, informing them that I had examined him, was satisfied he was an American citizen, and that I had documents in my possession, proving that he was a native of Boston, in the State of Massachusetts. To this I received an answer, stating that that Board had no authority to discharge him, but that the documents referred to should be submitted to the Lords Commissioners of the Admiralty, and that, in the meantime, he must rejoin his ship at the expiration of his leave, or otherwise he would be liable to be apprehended as a deserter. I immediately made an application to the Admiralty, of which I transmit herewith a copy, and received an answer, a copy of which is also enclosed, stating that he must join his ship, in order that the necessary inquiries might be made into his case. Having no means, at that time, of sending him immediately to the United States, and being fearful that he might be apprehended at the expiration of his leave and treated harshly, besides being considered as a prisoner of war, I consented to his returning to the ship accordingly. Hearing from the man, after having returned to the service, that no steps had been taken in his case, but that, on the contrary, he had been draughted

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to serve in another ship, I again addressed a letter to the Lords of the Admiralty, recalling his case to their consideration, and repeating my request that he might be discharged. To this I have yet received no answer, and I have just received a letter from the man himself, stating that the *Cydnus*, to which ship he has been draughted, is on the point of sailing for the West Indies.

In this extraordinary case, I would particularly call your attention to the circumstance of the Lords of the Admiralty desiring, after being put in possession of the documents transmitted in proof of his American nativity, that he should return to the British service, for the purpose, it was alleged, of making the necessary inquiries into his case; their having since taken no notice of it whatever, even after my renewed request, is a clear proof that his discharge was not intended, even should the result of inquiry respecting him be the most satisfactory, and that that motive for desiring his return was assigned merely for the purpose of again obtaining possession of him.

By a letter addressed to me by the Transport Board on the 26th of May last, a copy of which I had the honor of transmitting to you some time ago, the British Government engaged that persons discharged to prison from His Britannic Majesty's service as being Americans, upon my producing satisfactory proofs that they were natural born Americans, should be immediately released from prison, upon the usual terms of exchange, if they had volunteered into the service, or, if impressed men, freely and without restriction. The case of Bigelow, and the fact that, in the months of March and April last, I transmitted documents and made representations in behalf of one hundred and sixty-five unfortunate persons, without having yet ever received a reply to any one case, must convince even those best inclined to believe it, how little the practice of the British Government accords with its profession in favor of impressed American seamen.

I have the honor to be, &c.

R. G. BEASLEY.

Hon. JAMES MONROE, *Secretary of State.*

Extract of a letter from R. G. Beasley to John Mason, Esq., dated

LONDON, November 25, 1813.

I transmit herewith copies of a correspondence which I have lately had with the Transport Board, relative to some seamen who have been surrendered to prison, as Americans, from British ships of war, from which you will perceive the little prospect which the many unfortunate men, in the same situation, have of being released on documentary evidence. I shall, nevertheless, continue my exertions in their behalf.

Mr. Beasley to Mr. McLeay.

SEPTEMBER 18, 1813.

I have to recall to the consideration of the Board the cases of several persons, claiming to be American citizens, on whose behalf I transmitted particular statements and evidence some

time ago, namely, on the 9th of March last, on behalf of ninety-five persons, on the 7th of April, on behalf of thirty, and, on the 24th of April, of forty persons. The only information which I have received from the Board, relative to them, is obtained from the lists of American prisoners which have been transmitted to me; from which it appears that some of those persons have been discharged from the British service as Americans, and sent to prison; some of them, however, are still compelled to remain in the service. I have, therefore, now to request that such of these persons, and those who have been discharged to prison, whose claims to be American citizens appear to be well founded, may be immediately discharged, and allowed to return to the United States.

I transmit herewith particular statements and evidence relative to nineteen seamen who have been discharged from British ships of war, and are now confined on board the prison-ship *Nassau* at Chatham; and, as the evidence of their being Americans must, I conceive, be considered quite satisfactory, I trust there will be no difficulty in granting their release in conformity to the assurance contained in your letter of the 26th of May last. I am, sir, &c.

R. G. BEASLEY.

ALEXANDER MCLEAY, Esq.,  
*Transport Office.*

Copy of the statement made on behalf of William Dews, one of the nineteen seamen before mentioned.

It appears from the books of the American consulate office at London, that, in October, 1809, this man was ordered by the Lords Commissioners of the Admiralty to be discharged, as an American, from the *Princess of Orange*; the protection herewith transmitted is the same which was at that time offered on his behalf by the Consul.

Copy of a letter from Mr. McLeay to Mr. Beasley.

TRANSPORT OFFICE, Oct. 20, 1813.

SIR: I have received and laid before the Commissioners for the transport service, &c., your letter of the 18th ultimo, with its enclosures, claiming the release of nineteen American seamen, represented to have been discharged from British ships of war, and to be now confined as prisoners of war on board the *Nassau* prison-ship at Chatham; and, in reply, am commanded to acquaint you, that your said application having been submitted to the consideration of the right honorable the Lords Commissioners of the Admiralty, their Lordships have directed the Board to acquaint you that William Dews, one of the persons in question, was not discharged in 1809, as represented; that he was not again impressed as represented; and that his documents, as well as all the others, excepting Brainard's, (whose release was ordered on the 25th ultimo,) are of that description which have been so notoriously fraudulent, that their Lordships do not feel satisfied in paying any attention to them; and that they therefore cannot, without satisfactory proof

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release, as Americans, persons who have been lately serving in His Majesty's ships.

I have the honor to be, sir, your most obedient servant

ALEX. MCLEAY, *Secretary.*

R. G. BEASLEY, Esq., &c.

Commodore Rodgers to the Secretary of the Navy.

U. S. FRIGATE PRESIDENT,  
*Boston, Jan. 14, 1813.*

SIR: Herewith you will receive two muster-books of His Britannic Majesty's vessels *Moselle* and *Sappho*, found on board the British packet *Swallow*.

As the British have always denied that they retained on board their ships of war American citizens, knowing them to be such, I send you the enclosed, as a public document of their own, to prove how illy such an assertion accords with their practice.

It will appear by these two muster-books that so late as August last, about an eighth part of the *Moselle* and *Sappho*'s crews were Americans; consequently, if there is only a quarter part of that proportion on board their other vessels, that they have an infinitely greater number of Americans in their service than any American has yet had an idea of.

Any further comment of mine on this subject I consider unnecessary, as the enclosed documents speak but too plainly for themselves.

I have the honor to be, with the greatest respect, sir, your obedient servant,

JOHN RODGERS.

The Hon. PAUL HAMILTON,  
*Secretary of the Navy.*

[*Correspondence between General Taylor and Captain Barrie, concerning James Balfour, an impressed seaman on board the Dragon.*]

Extract of a letter from General Taylor to the Secretary of War.

HEADQUARTERS, NORFOLK,  
*November 15, 1813.*

Herewith I transmit copies of a letter addressed by me to the officer commanding the enemy's squadron in *Lynnhaven*, and of Captain Barrie's reply, on the subject of an American on board the *Dragon*, James Balfour.

This man has been twice impressed into the British service, and has been the last time detained some years.

I have, &c.

Copy of a letter from General Taylor to Captain Barrie.

HEADQUARTERS, NORFOLK,  
*November 15, 1813.*

SIR: Major Somerville, of Maryland, transmitted to me, a few days ago, a letter from James Balfour, now on board your ship, to Robert

Brough; which letter, he stated, had been given to him by you, accompanied by your assurance "that the man would be immediately released on his procuring satisfactory evidence of his birth-place."

I now transmit to you such affidavits as I presume will be entirely satisfactory. I will vouch to you, sir, for the veracity and respectability of the persons who make them; and you will have the best opportunity of testing them by inquiry of the man himself, of the facts stated in them, which, if not true, he cannot corroborate, as there has been no means of concert between him and the persons making them.

Captain Myers, who will have the honor to deliver this, is accompanied by a person to identify Balfour.

I cannot conclude this letter without expressing my sense of the candor and liberality with which you have acted in this affair, and offering you the assurance of my perfect consideration.

I have the honor to be, &c.

ROBERT B. TAYLOR.

*Brigadier General.*

The SENIOR OFFICER, &c.

Copy of a letter from Captain Robert Barrie, of His Britannic Majesty's ship *Dragon*, to Brigadier General Robert Taylor.

LYNNHAVEN BAY, Nov. 20, 1813.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, with its enclosures, relative to the identity of James Balfour.

Major Somerville must have misunderstood my meaning, when he stated me to have assured him, "that the man would be immediately released, on his procuring satisfactory evidence of his birth-place." What I intended the Major to understand, was, that on his procuring the necessary evidence I would discharge the man from the service, but as to granting his unconditional release, it is beyond my power. If it were not, your testimony of the respectability of the parties who have made the affidavits of Balfour's citizenship would be sufficient evidence with me to order his discharge immediately.

I represented this man's case to my superior officer in March last. His reply I have shown to Captain Myers, in which I am directed to dispose of all persons in Balfour's situation as prisoners of war. All I can therefore do, is to send the man to Bermuda as a prisoner. I will also forward the documents you have handed me to my superior officer there, accompanied by my conviction that Balfour is an American, and I will write to Sir John Warren to request that he will order Balfour to be released, or at least admitted to parole, and I have no doubt he will comply with my request.

I beg to assure you that I shall always feel great satisfaction in giving you every proof of my respectful consideration.

ROBERT BARRIE.

Brigadier General TAYLOR, &c.



*Manner in which the War is waged by the Enemy.***SPIRIT AND MANNER IN WHICH THE WAR IS WAGED BY THE ENEMY.**

[Communicated to the House, July 31, 1813.]

Mr. MACON, from the committee to whom was referred that part of the President's Message "which relates to the spirit and manner in which the war had been waged by the enemy," made the following report :

That they have collected and arranged all the testimony on this subject which could, at this time, be procured. This testimony is submitted to the consideration of the House, arranged under the following heads :

First. Bad treatment of American prisoners.

Second. Detention of American prisoners as British subjects, on the plea of nativity in the dominions of Britain, or of naturalization.

Third. Detention of mariners, as prisoners of war, who were in England when the war was declared.

Fourth. Compulsory service of impressed American seamen on board British ships-of-war.

Fifth. Violation of flags of truce.

Sixth. Ransom of American prisoners from Indians in the British service.

Seventh. Pillage and destruction of private property on the Chesapeake Bay, and in the neighboring country.

Eighth. Massacre and burning of American prisoners surrendered to officers of Great Britain, by Indians in the British service. Abandonment of the remains of Americans killed in battle, or murdered after the surrender to the British. The pillage and shooting of American citizens, and the burning of their houses, after surrender to the British under the guarantee of protection.

Ninth. Outrages at Hampton, in Virginia.

The evidence under the first head demonstrates that the British Government has adopted a rigor of regulation unfriendly to the comfort, and apparently unnecessary to the safe keeping, of American prisoners, generally. It shows, also, instances of a departure from the customary rules of war, by the selection and confinement in close prisons of particular persons, and the transportation of them, for undefined causes, from the ports of the British colonies to the island of Great Britain.

The evidence under the second head establishes the fact, that, however the practice of detaining American citizens as British subjects may be regarded as to the principle it involves, that such detentions continue to occur, through the agency of the naval and other commanders of that Government. It proves, too, that, however unwilling to allow other nations to naturalize her subjects, Great Britain is disposed to enforce the obligation entered into by their citizens, when naturalized under her own laws. This practice, even supposing the release of every person thus detained, obviously subjects our captured citizens, upon mere suspicion, to hardships and perils from which they ought to be exempt, according to the established rules in relation to prisoners of war.

The evidence under the third head shows that, while all other American citizens were permitted

to depart within a reasonable time after the declaration of war, all mariners who were in the dominions of Great Britain, whether they resorted to her ports, in time of peace, for lawful purposes, or were forced into them under the pretence of illegal commerce, are considered prisoners of war. The injustice of this exception is not more apparent than the jealousy it discloses towards that useful class of our fellow-citizens. But the committee can but remark, that, if the practice of hiring American seamen to navigate British vessels is generally adopted and authorized, and that it is suffered appears from the advertisement of George Maude, the British agent at Port Royal, which is to be found with the testimony collected under the first head, that the naval strength of that empire will be increased in proportion to the number of our seamen in bondage. The present war having changed the relation of the two countries, the pretended right of impressment can no longer be exercised, but the same end may be accomplished by the substitution of this mode. Every seaman thus employed (the terms of whose engagement have not been ascertained) increases the naval strength of the enemy, not only by depriving the United States of his active services, but by enabling Great Britain to carry on, and even extend, her commerce, without diminishing the number of sailors employed in her vessels of war.

The testimony collected under the fourth head proves, that it is the ordinary practice of the officers of British armed vessels to force impressed Americans to serve against their country by threats, by corporal punishment, and even by the fear of immediate execution—an instructing commentary upon the professions of the Government of its readiness to release impressed American seamen, found on board ships of war.

On the evidence collected under the fifth head it is only necessary to observe, that, in one case, (the case of Dr. McKeehan,) the enormity is increased by the circumstance of the flag being divested of everything of a hostile character, having solely for its object the relief of the wounded and suffering prisoners who were taken at the river Raisin on the 22d January, 1813. The treatment of Dr. McKeehan, not by the allies of Britain, but by the officers of her army, can only be rationally accounted for by the supposition, that it was considered good policy to deter American surgeons from going to the relief of their countrymen, as the Indian surgeons had a more speedy, and effectual mode of relieving their sufferings.

The evidence respecting the ransom of American prisoners from Indians, collected under the sixth head, deserves attention, principally from the policy it indicates, and as it is connected with Indian cruelties. Considering the savages as an auxiliary military force in the pay of Great Britain, the amount of ransom may be regarded as part of their stipulated compensation for military service ; and, as ransoms would be increased, and their value enhanced, by the terror inspired by the most shocking barbarities, it may be fairly concluded, whatever may be the intention of the

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British Government, that the practice of redeeming captives by pecuniary means will be occasionally quickened, by the butchery of our fellow-citizens, and by indignities offered to their remains, as long as the Indians are employed by the enemy. The justice of this conclusion is confirmed by the testimony of those witnesses who were retained after ransom as prisoners of war.

The testimony collected under the seventh head shows, that the private property of unarmed citizens has been pillaged by the officers and crews of the British vessels of war on our coast, their houses burnt, and places of public worship mutilated and defiled. It appears that the officers, animated by the presence of Admiral Cockburn, particularly distinguished themselves in these exploits. This evidence proves, that they were governed by the combined motives of avarice and revenge; not satisfied with bearing off, for their own convenience, the valuable articles found, the others, which furnished no allurements to their cupidity, were wantonly defaced and destroyed. It has been alleged, in palliation of these acts of wanton cruelty, that a flag sent on shore by the Admiral was fired upon by the American militia. The evidence proves this not to have been the fact. This pretence has been resorted to only to excuse conduct which no circumstances can justify.

The committee forbear to make any observations upon the testimony collected under the eighth head, from a perfect conviction that no person of this or any other nation can read the simple narrative of the different witnesses of the grossest violations of honor, justice, and humanity, without the strongest emotions of indignation and horror. That these outrages were perpetrated by Indians is neither palliation nor excuse. Every civilized nation is answerable for the conduct of the allies under their command, and, while they partake of the advantages of their successes, they are equally partakers of the odium of their crimes. The British forces concerned in the affair of the 22d, at the river Raisin, are more deeply implicated in the infamy of these transactions than by this mode of reasoning, however correct. The massacre of the 23d January, after the capitulation, was perpetrated without any exertion on their part to prevent it; indeed, it is apparent, from all the circumstances, that, if the British officers did not connive at their destruction, they were criminally indifferent about the fate of the wounded prisoners. But what marks more strongly the degradation of the character of the British soldiers is, the refusal of the last offices of humanity to the bodies of the dead. The bodies of our countrymen were exposed to every indignity, and became food for brutes, in the sight of men who affect a sacred regard to the dictates of honor and religion. Low, indeed, is the character of that army which is reduced to the confession that their savage auxiliaries will not permit them to perform the rites of sepulture to the slain. The committee have not been able to discover even the expression of that detestation which such conduct must inspire from the military or civil authority on the

Canadian frontier, unless such detestation is to be presumed from the choice of an Indian trophy as an ornament for the legislative hall of Upper Canada.

The committee have considered it their duty to submit the evidence collected under the ninth head of the atrocities committed at Hampton, although these enormities have been committed since their appointment. These barbarities may be rationally considered as the consequence of the example set by the officers of the naval force on our coast. Human turpitude is always progressive, and soldiers are prepared for the perpetration of the most dreadful crimes by the commission of minor offences with impunity. That troops who had been instigated by the example of their officers to plunder the property and burn the houses of unarmed citizens, should proceed to rape and murder, need not excite surprise, however it may inspire horror. For every detestable violation of humanity an excuse is fabricated or found. The wounded prisoners on the Northern frontier were massacred by Indians; the sick murdered; and the women violated at Hampton, by the foreign troops in the pay of Great Britain. These pretexts, admitting them to be true, are as disgraceful as the conduct which made a resort to them necessary. Honor and magnanimity not only forbid the soldier to perpetrate crimes, but require every exertion on his part to prevent them. If, in defiance of discipline, acts of violence are committed upon any individual entitled to protection, the exemplary punishment of the offender can alone vindicate the reputation of the nation by whom he is employed. Whether such exertions were made by the British soldiers, or the character of the British nation thus vindicated, the evidence will show.

The shrieks of the innocent victims of infernal lust, at Hampton, were heard by the American prisoners, but were too weak to reach the ears or disturb the repose of the British officers, whose duty, as men, required them to protect every female whom the fortune of war had thrown into their power. The committee will not dwell on this hateful subject. Human language affords no terms strong enough to express the emotions which the examination of this evidence has awakened; they rejoice that these acts have appeared so incredible to the American people, and, for the honor of human nature, they deeply regret that the evidence so clearly establishes their truth. In the correspondence between the commander of the American and British forces will be found what is equivalent to an admission of the facts by the British commander. The committee have yet to learn that the punishment of the offenders has followed the conviction of their guilt. The power of retaliation being vested by law in the Executive Magistrate, no measure is considered necessary to be proposed but the resolution annexed to this report. As such enormities, instead of inspiring terror, as was probably intended, are, in the opinion of the committee, calculated to produce a contrary effect, they submit, for the consideration of the House, the following resolution:

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*Resolved*, That the President of the United States be requested to have collected and presented to this House, during the continuance of the present war, evidence of every departure by the enemy from the ordinary modes of conducting war among civilized nations.

## DOCUMENTS.

No. 1.—*Bad treatment of American Prisoners by the British.*

WASHINGTON, May 24, 1813.

SIR: I have received your favor of the 22d instant, and hasten to reply to the questions therein, respecting the case of Captain Jeduthan Upton, late commander of the privateer brig Hunter, of Salem. Captain Upton was taken in the month, I believe, of November last, off the Western islands, by the British frigate Phoebe, Captain Hilliard. In chase, Captain Upton, as is usual in such cases, threw his guns overboard to ease his vessel, in hopes by that means to facilitate his escape from the enemy; but this not availing, he was, as above stated, taken and carried into Plymouth, in England, where, on his arrival, he was immediately, with his first lieutenant, Mr. Wayne, put into Mill prison, and refused his parol, on the plea he had not on board, when captured, fourteen mounted carriage guns above the caliber of four pounders. After having been thus closely confined for three or four months in a filthy jail, they were in the month of March taken out and sent on board the prison ship at Chatham, where, when I left England in April last, they still were, in a worse situation, if possible, than in Mill prison. The allowance, sir, to American prisoners, in England, you are acquainted with; it is therefore, not necessary for me to mention it here. It is but justice to state, that the captain of the Phoebe petitioned the Transport Board, and used every exertion in his power to obtain the parols of Captain Upton and Mr. Wayne, but all would not do; they were deaf to his petition, lost as they are to every sentiment of honor, and every principle of humanity.

Except Captain Upton and his first lieutenant, all the rest of his officers and crew were sent on board the prison ship on their first arrival at Plymouth; among them was the doctor of the Hunter, Mr. Carter, who came home in the cartel Robinson Potter. What I have stated respecting the treatment of Captain Upton and Mr. Wayne, I know to be facts, as I had the honor of spending twenty-four hours in Mill prison with them, and heard those facts related by themselves.

Very respectfully, &c. A. COFFIN, Jr.

J. MASON, Esq., Com. Gen. of Prisoners.

NAVY YARD, CHARLESTOWN, June 3, 1813.

SIR: I have the honor to enclose to you a deposition respecting the inhuman treatment, which Mr. Nichols, late commander of the private armed ship Decatur, belonging to Newburyport, has received from the British Government at Barbadoes. I have been credibly informed that Cap-

tain Nichols is a very respectable and correct man, therefore a fair presumption, that he has not committed himself in such a manner as ought to deprive him of the established rights of a prisoner of war. Any measure which the Government of our country may see proper to adopt in consequence of this communication, I shall readily attend to. I have the honor, &c.

WM. BAINBRIDGE.

HOB. W. JONES, Sec'y Navy.

I, James Foot of Newburyport, in the county of Essex, and Commonwealth of Massachusetts, mariner, testify and depose, that I was a prize master on board the private armed brigantine Decatur, of Newburyport, in her late cruise, William Nichols, commander; that, on the 18th day of January, now last past, the said brigantine was captured by His Britannic Majesty's frigate Surprise, commanded by Captain Cochran, and carried into Barbadoes. After our arrival in Barbadoes, Captain Nichols, with the other officers of the Decatur, were paroled. About two months after our arrival, His Britannic Majesty's frigate Vesta arrived in Barbadoes, and through the influence of the commander of the Vesta, Captain Nichols, without any known or pretended cause, was arrested and held in close confinement, without liberty to speak to any of his officers or any other American. The place where Captain Nichols was confined, was about four feet in width, and about seven feet in length, on board a prison ship, where he remained for thirty-four days, as nearly as I can recollect, and was then taken on board His Majesty's ship Tribune, and carried to England. What the cause of the unwarrantable and unjustifiable conduct of the enemy towards Captain Nichols was, I am unable to state; there were several reports in circulation; one was, that he was to be carried to England and held a prisoner until the release of certain men in France, from whom Captain Nichols recaptured his vessel, which had been taken by the British before the commencement of the present war between the two countries: another report was, that he was to be held until the close of the war, on account of his having been active against the enemy, since the commencement of hostilities, and having been fortunate in a former cruise.

JAMES FOOT.

MASSACHUSETTS, Essex, ss:

On this thirty-first day of May, in the year of our Lord 1813, personally appeared James Foot, the subscriber to the foregoing deposition, and made solemn oath that the same is true.

Before me, JACOB GERRISH,  
Justice of the Peace.

Extract of a letter from the Commissary General of Prisoners, to Alexander Stewart, Esq., United States' Agent for prisoners at Jamaica, dated

MAY 1, 1813.

"I enclose you a copy of an advertisement, said to have been taken from a Jamaica newspaper, apparently put forth by the British agent for

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prisoners, proposing to hire out American prisoners; you will inquire into this matter, and if it be as has been stated, you will remonstrate strongly against such a practice, and inform me of the practice and the result."

[Referred to in the preceding extract.]

PORT ROYAL, Nov. 25, 1812.

Masters of vessels about to proceed to England with convoy, are informed that they may be supplied with a limited number of American seamen (prisoners of war) to assist in navigating their vessels, on the usual terms, by applying to

GEORGE MAUDE, Agent.

Extract from a memorial addressed to the Secretary of State, by James Orm, Joseph B. Cook, Thomas Humphries, and others, masters of American vessels, who were prisoners of war in England, and returned to the United States in the cartel ship Robinson Potter.

"We shall now proceed to give as correct a statement as we can of the treatment of our countrymen (prisoners of war) by the British in England. On the arrival at Plymouth of the masters, first mates, supercargoes, and passengers, they are sent to Mill prison, for one day and night; they have an iron bedstead to sleep on, with a small mattress which might easily be put into a countryman's wallet, and a small coarse blanket. The allowance for twenty-four hours, is three small salt herrings, or about the same weight of salted codfish, or half a pound of beef, one and a half pounds of black bread, a little salt, &c. The second day they are paroled and sent to Ashburton, twenty-four miles from Plymouth; they must pay their own expenses to get there. While they are there they are allowed 1s. 3d. per diem, or 8s. 9d. sterling per week. Beef is 10d. per pound, bread in proportion, and every other necessary equally dear. The mates, who have nothing but their pay to live upon, join together, eight or ten in a mess, hire a room, and do their own cooking, washing, &c., and in this way make out to keep from starving. Masters, supercargoes, and passengers generally, have other resources, through their correspondents in England, and make out to live, by great economy, at from 30s. to 35s. sterling per week; the second mates and other officers are sent on board the different prison ships. On board some of them they are treated by the commanding officer as well as the nature of their situation will admit; on board of some others, they are very badly treated. This, it will naturally occur to you, sir, is owing to the different characters of the different commanders. Their allowance is ten and a half pounds of brown bread, two and a half pounds beef, two pounds bad fish, two pounds potatoes, and ten ounces barley per week, for each man, and five ounces salt per week, for ten men. The prison ships are kept very filthy, and the prisoners are confined below at 4 P. M., and are kept in that situation until 7 or 8 A. M. At Portsmouth, particularly, they are very sickly, and we are informed die very fast, some days from eight to ten; in fact, they are

very sickly on board all of them; several of this description came home in the Robinson Potter cartel, and had, when they came on board, the appearance of having made their escape from a church-yard. It is not perhaps amiss, that we should state what we firmly believe; that is, it is the policy of the British Government to select the sickly to be first sent in cartels, and keep the hale and hardy seamen until they become sickly; thus rendering the whole of those gallant sons of Neptune, who escape death, when they return to their homes, at least for some time, perfectly useless to themselves, and quite so to their country, from their debilitated state; and, in fact, the probability is, that many of them will carry to their graves the indelible stamp upon their constitutions of the treatment which they received on board British prison-ships; for that nation seems to have lost its boasted humanity, and if we did not find the word in their vocabulary, we should suppose it had never found a place there. Many of the seamen, prisoners on board those prison-ships, are impressed Americans, who have given themselves up, refusing to fight against their country.

"Four hundred on board the fleet in the Mediterranean, a short time before we left England, surrendered themselves, and were sent to Gibraltar and England; several of them were most severely flogged for refusing to do their duty, were put in irons, and most of them, to their immortal credit, submitted to the severest punishment in preference to assist the enemies of their country. Some of us, whose signatures are annexed, were witnesses to the cruel fact. A tablet of gold is not rich enough to inscribe the names of such men upon; and when a country can boast of such seamen, she has nothing to fear from the enemy on the ocean on any equal footing. Captain Jeduthan Upton, late master of the private armed brig Hunter, of Salem, of fourteen guns, because he threw them overboard in chase, was not allowed his parole, but kept in close confinement for a long time in Mill prison, and lately has been sent on board a prison-ship at Chatham. We mention these facts in hopes that Government will retaliate exactly in the same way. Captain Samuel Turner, late master of the Purseschooner, of New York, was taken on his passage to France, in October, 1811, prior to the war, and in retaking his vessel, the prize master, a British midshipman, was killed; he arrived safely in France, and on his return to America, was again taken, in June, 1812, and sent to England, when being recognised, he was immediately arrested and sent on board the St. Salvador, Admiral Calder's flag ship, at Plymouth, where he remained a close prisoner until about January or February last, when he was sent on board the prison-ship at Chatham, where we fear he will remain until death relieves him; he has been very ill treated, much abused, put in irons, and often threatened to be hanged. These facts, some of us who sign this were witness to. We pray, in the name of justice, that Government will take, without delay, the case of Captain Turner, into their se-

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rious consideration; it is a case which we think demands it; and the only way to prevent that nation from committing further outrages so degrading to human nature. We find in Roman history, that an injury or insult offered to a Roman citizen by a foreign Power, was considered as an insult offered to the whole Roman nation, and hope this will also be the American creed, because we believe it will be the surest way of putting a stop to those indignities which Americans have so often been obliged to suffer. We are, however, no advocates for cruelty, but, on the contrary, for lenity; yet we still believe that, in certain cases, retaliation is not only necessary, but becomes a duty to prevent further cruelties on the part of an enemy."

NASSAU, November 27, 1812.

DEAR BROTHER: I embrace this, the earliest opportunity of communicating to you, that, on the 9th instant, fifteen days out, we fell in with and captured the fine copper-bottomed ship *Venus*, vessel and cargo worth at least twenty-five thousand dollars. On the twelfth, pursuing our course, and within five day's run of your place, we were captured by His Majesty's sloop *Moselle*, George Moubray, commander, and brought into this place. We remained on board the sloop two or three days, and on the 19th were transferred from thence to the prison-ship, where we are now imprisoned, with an allowance of six ounces of bread, three gills of rice, eight ounces of the worst of beef, including bone, which is as much as meat, with as much brackish water as we can use; guarded day and night by ten or fifteen savage Africans, who are total strangers to humanity, and confined every evening at sundown, not to be released until sun-rise, abused to the lowest degree by the guard, and compelled to find salt for, and cook, our own victuals with green mangoes. None of us are ever permitted, under any conditions whatever, to visit the shores, with many other barbarous acts, which are too numerous to describe. This will be conveyed by the cartel sloop, Captain Cooper, being the second cartel which has sailed since our arrival here.

A schooner from Baltimore was only allowed eight men, and Cooper, who brought sixty-four prisoners, is only allowed eighteen in return, while we, eighteen in number, are detained in this miserable place; for which we cannot assign any reason, except to punish us as privateersmen, or as hostages for those twelve lately detained in Charleston; this last is the general belief, and as such, I deem a communication of the circumstance essential to Commodore Dent, commander of the Southern station, that he may look to it and inquire the cause why Americans are to be detained here two or three months, while more prisoners have been received here, by a great many, than what have been sent to the United States. Men who have arrived here since we, have been sent off; they proceed with no degree of regularity in the exchange of prisoners, and

act in open contradiction to everything right, and I really believe that, except you make known the circumstances, and use some favorable exertions, that some of us will be intentionally detained until the end of our present contest with Great Britain.

As I wish your exertions for our exchange, I have subjoined a list of those who are thus miserably treated, that we may be demanded in a proper way. The *Rapid's* crew have been imprisoned here nearly three months, and have now no prospect of getting away, while the crews of two other privateers have been released.

*Crew of the Lovely Lass*.—Lieutenant Autine Lambert, William L. Robeson, William Thomas, John Crandel, David Ashton, John Gamache, John Hynes, Darius Swain, and John McKenzie.

*Rapid's Crew*.—Captain Lameson, Peter La Vella, George Alexander, James T. Miller, Francis Martin, and Gaugion Bigulows.

*Other Prisoners*.—Simon West and Matthew Bridge.

I wrote Mr. Peck, and requested him to forward me a letter of introduction to some one here, and also a protection showing that I am an American. As it is possible that he may not get my letter, you will notice my request, and pay that attention which it deserves. I mentioned, in my letter to Mr. Peck, that any funds which I received here would be returned on application, as my expenditures will, through an economical principle, be as small as possible. I indulge the hope that you will conform to my wishes in this particular, and also inform Mr. Kelly of our imprisonment here, and request his influence in facilitating our exchange, with any other service.

We have no chance of gaining information here. Every person uses every exertion to keep us in ignorance; however, we are enabled to say, that the English prisoners have generally combined in speaking well of the treatment they received in the United States.

I am, your affectionate brother,

WM. L. ROBESON.

Capt. THOMAS J. ROBESON.

N. B. The *Moselle*, *Rhodian*, and *Variable*, three men of war, have just convoyed five or six vessels over the bar, bound to some part of England; it is supposed that they will return to cruise off Charleston. In case you address or send anything for me to this place, you will direct to the care of Messrs. Bain, Dunshe, & Co., merchants here. I am, yours, &c.

W. L. R.

HARTFORD, May 9, 1813.

SIR: Annexed is Captain Samuel Chew's deposition, taken before Judge Edwards, at New Haven. We expected it in season to have forwarded it by Mr. Dodd, but received it last evening by Mr. Huntington, the United States' Attorney for Connecticut district, and now forward it to you per mail. Yours, respectfully.

LUTHER SAVAGE, & Co.

HON. JAMES MONROE.

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## CONNECTICUT DISTRICT, ss.

On this day, the 7th of May, in the year of our Lord, eighteen hundred and thirteen, personally came before me, Pierpont Edwards, Judge of the district court of the United States, for the district aforesaid, Samuel Chew, of the city of New Haven, in the said district, and being duly sworn, deposeeth, That he was at Bridgetown, in the Island of Barbadoes, in the West Indies, in the month of February now last past; that, on board the prison-ship at Barbadoes, there were confined about five hundred and twenty-three American prisoners, of the crews of private armed vessels of the United States and merchantmen, captured since the war. At the time the deponent was at Barbadoes the American prisoners were supplied with bread and *some* meat; as to vegetables, the deponent was not informed. The regulations on board the said prison-ship compelled the prisoners to go below decks, where they were confined at evening and until morning; as many as could were suspended in hammocks, and still there was not sufficient room below them for all to lie down. In this respect the situation of the prisoners was not only extremely uncomfortable, but hazardous, and more especially, should there be, as was apprehended, a scarcity of provisions during the approaching hot months. The deponent was not permitted to go on board said prison-ship, but derived his information from masters of vessels, prisoners at said island, who were allowed occasionally to go on board said prison-ship, with whom the deponent is personally acquainted, and in whose representations he has the most perfect confidence, and entertains no doubt of the facts by them stated; and this statement is given at the request of the friends of some of the prisoners at Barbadoes, particularly of the crew of the privateer Blockade, at Hartford.

PIERPONT EDWARDS,  
*District Judge of Connecticut Dist.*

I, Pierpont Edwards, Judge of the district court of the United States for the Connecticut district, do hereby certify and make known to all whom it may concern, that Captain Samuel Chew, the within named deponent, is a gentleman to me well known, having known him for many years; he is the son of Captain Samuel Chew, late of the city of New Haven, deceased, and who fell by a cannon ball on board an American vessel during the Revolutionary war; that the said deponent is a man of strict integrity, and attached to the Constitution and Government of the United States, and the most perfect confidence is due to his said representations so as aforesaid sworn to.

PIERPONT EDWARDS,  
*District Judge of Connecticut Dist.*

MILVILLE PRISON, August 30, 1812.

SIR: We the subscribers, for ourselves and our countrymen, now confined as prisoners of war in Milville prison, Halifax, Nova Scotia, beg leave to represent to the American Government, that

most of us have, for years past, made commerce our sole employment and hope, in which, for seven years or more, we have often been wantonly robbed by the English of what we had acquired by industry and danger, and while they stripped us of our property, they often treated us with the greatest indignity, and even barbarity.

We have seen and known that they have violated the sacred privilege of individual liberty and the law of nations; we are conscious of the long forbearance of our Government, and their repeated calls upon the honor and justice of the British nation, which, instead of redress, added other injuries; and when the hope of amicable remuneration had failed, and for retaliation our Government was forced to the last resort, an appeal to arms, we felt the justness of our cause, and hoped for the blessing of Heaven for success. To serve our country and to make up the losses which we had sustained, we, under commissions from the President of the United States, entered on board of privateers, and have unfortunately been captured by the British. We would state, that, in many instances after we had struck our colors, we were fired upon by cannon and muskets, by broadsides and volleys, and some of our men killed, and, after our captors had come on board, some of us have been struck and severely wounded with cutlasses, without the least provocation for such inhumanity. Our American protections have been forced from us and destroyed, and some native American citizens have been taken out of our privateers and put on board British ships, and there obliged to serve. Most of us have been robbed of everything, even of the necessary clothing. When we were going from the ships to prison, the officers would not permit us to take our clothing and baggage with us, but pledged themselves that they should be sent to prison; but, disregarding their honor, we have lost all. Some of us have been marched thirty, and some sixty, and some one hundred and sixty miles over a miserable country, forced along beyond our strength, half starved, and some in irons. Our allowance, each man per day, one pound and a half of bread, a half pound of poor beef, well proportioned with bone, one gill of peas, one-third of an ounce of salt. We are without wearing apparel and without money, or any means of procuring them. A cold Winter in this wretched country fast approaches, and in our destitute situation we must endure everything, and many of us must perish. There are now of us in prison upwards of twelve hundred. Every art has been practised by the English officers to excite disaffection in our men to the American Government, and to induce them to enter into the English service. Necessity may oblige some to desert us and enter into British servitude, but we trust that speedy relief from our Government will save them from that wretched alternative of perishing with want or joining our enemies. For ourselves and the rest of the prisoners, we must say, we have now no fortunes to devote to the service of our country, but we have hearts which yet feel warmly the general impulse, and which we pledge,



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if opportunity ever again presents, to devote in the interest and service of our country.

We now are sufferers, but we will cheerfully suffer every hardship of war rather than sue for dishonorable peace. We respectfully request an exchange or some provision for relief. We feel the fullest confidence in our Government, and that we need only to apprise them of our situation to insure their assistance and protection.

Yours, &c.

JOSEPH STARR, *Boston*,  
FRED. JOHNSON, *New York*,  
ROBERT MCKEARNY, *New York*,  
RICHARD RHEA, *New Jersey*,  
GEORGE BATTERMAN, *Boston*,  
JOHN HAZELTON, *Boston*,  
WILLIAM DYER, *Boston*,  
JAMES TRASK, *Boston*,  
SOLOMON NORTON, *Boston*,  
ALEX. B. LATHAM, *New London*,  
DARIUS DENNISON, *New York*,  
ESTWICK PRAY, *Portsmouth*,  
WILLIAM TEMOLD, *Portsmouth*,  
FORBES DALA, *Portland*,  
CHAS. THOMPSON, Jr. *New York*.

HON. JAMES MONROE, *Sec'y of State &c.*

No. 2.

*Detention of American Prisoners as British subjects.*

OFFICE COMM'RY GEN'L OF PRISONERS,  
WASHINGTON, June 10, 1813.

SIR: I have the honor to transmit the copy of a letter from Captain Stewart, commanding the United States' naval forces at Norfolk, dated the 20th of May, to Admiral Warren, and that of a letter from Rear Admiral Cockburn, dated the 21st of May, in reply, relative to a most unjustifiable act of Commodore Beresford, as to part of the officers and crew of the late United States' brig Vixen, at the mouth of the Delaware. Leaving the general question of the interference of Commodore Beresford with the prisoners of war returning on parole, and the exaction made by him in consequence of the irregular power thus assumed, on the ground on which Captain Stewart has very properly placed it, I will remark, that Captain Stewart was certainly misapprehended by Admiral Cockburn, in attributing to him the intention of conveying a threat, as to the final detention of two of the American prisoners. On the contrary, the expression used by Captain Stewart communicates, in very plain terms, the decision of this Government, then already made, that four of His Britannic Majesty's subjects should be immediately selected and held in durance, subject to the same treatment in all respects, &c.

And I have now to inform you, sir, that, in virtue of this decision, and by an order from this office, the Marshal of Massachusetts has designated, and placed in close confinement, William Kitto, carpenter, and Thomas Deddingfield, boatswain of the late British packet Swallow, and John Squirrel and James Russel, seamen of the

Dragon seventy-four, subjects of His Britannic Majesty, to be held responsible for the safety of John Stephens, carpenter, and Thomas King, seaman, part of the crew of the late United States' brig Vixen.

I flatter myself, sir, that this subject will command your early attention, and that you will cause the officer and seamen of the Vixen to be immediately released and returned to this country, according to their destination when taken from the cartel.

Very respectfully, I have the honor to be, sir, your most obedient servant. J. MASON.

To Colonel THOMAS BARCLAY, &c.

H. M. S. POICTIERS, May 8, 1813.

SIR: I am sorry I am under the necessity of detaining John Stevens and Thomas King, late of the Vixen, in consequence of their being British subjects.

I am, sir, your obedient servant.

J. P. BERESFORD.

To Lieutenant DRAYTON.

U. S. FRIGATE CONSTELLATION,  
Off Norfolk, May 20, 1813.

SIR: I have the honor to represent to your Excellency, that a part of the officers and crew of the late United States' brig Vixen, returning from Jamaica on parole as prisoners of war, were, on entering the Delaware, taken out of the flag of truce by Commodore Beresford, commanding on that station, and detained until a part of the crew of the Poictiers, then prisoners at Philadelphia, were demanded by him and sent down in exchange; that ultimately he detained on board the Poictiers John Stevens, carpenter, and Thomas King, seaman, late of the United States' brig Vixen, on the plea of their being subjects of His Britannic Majesty.

This violation of the rights of prisoners on parole is so contrary to the usage of all civilized nations, that I trust your Excellency will give such instructions upon that head as will prevent a similar violation in future.

I have it in command, from my Government, to state to your Excellency that, in retaliation for so violent and unjust a procedure, on the part of Commodore Beresford, in detaining the above Mr. John Stevens and Thomas King, that four subjects of His Britannic Majesty will be immediately selected and held in durance, subject to the same treatment, in all respects, which may be shown towards the aforesaid two persons during their detention. I hope your Excellency will give this subject your earliest attention, and direct the release of Mr. Stevens and Thomas King, who have been so improperly detained on board the Poictiers.

I have the honor to be, very respectfully, your Excellency's most obedient servant,

CHARLES STEWART,

*Com. at Norfolk.*

Right Hon. SIR JOHN B. WARREN.

*Admiral of the Blue, &c.*

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SHIP MARLBOROUGH,  
In Lynhaven Bay, May 21, 1813.

SIR: In the absence of Sir John Warren, I have the honor to acknowledge the receipt of your letter under date of the 20th current, complaining of the conduct of Commodore Beresford towards some American prisoners of war returning to Philadelphia on parole, and of his having detained on board the Poitiers Mr. John Stevens and Thomas King.

No report of these circumstances have yet reached Sir John Warren or myself from Commodore Beresford; but I have no hesitation in assuring you, sir, that every inquiry would have been made into them, and every satisfaction and explanation thereon, which the case might have required, would have been offered to your Government and yourself, with the least possible delay, had it not been for the threat with which your representation on this subject is accompanied, the tenor of which being likely to produce an entire change in the aspect of our communications, and particularly in what relates to the individuals which the fate of war has placed within the power of our respective nations, it totally precludes the possibility of my entering further into the subject than to assure you your letter shall be transmitted to the right honorable the Commander-in-Chief by the earliest opportunity, and whenever his answer arrives it shall be forwarded to you without delay.

I have the honor to be, sir, with high consideration, your most obedient humble servant,

G. COCKBURN, *Rear Admiral.*

Captain STEWART, &c.

SHARK, PORT ROYAL, (Jamaica.)  
March 20, 1813.

SIR: Captain Moubray, of His Majesty's sloop Moselle, has just sent to me the copy of a letter from you to him, and another to Mr. Cook, of His Majesty's late sloop Rhodian, dated the 25th ult., respecting six men\* mentioned in the margin, who were sent here from the Bahamas as having been taken in the American privateer Sarah Ann, and supposed to be subjects of His Majesty; but, as no proof to what country they belong has been adduced, it has never been my intention to bring them to trial, and they are at present on board the prison ships, waiting an exchange of prisoners.

I am, sir, your most obedient humble servant,  
CHARLES STIRLING,  
*Vice Admiral.*

CHARLES R. SIMPSON, Esq.

HARLEM, June 1, 1813.

SIR: I beg leave to refer you to a communication which took place some time in the Autumn or Winter preceding, between Mr. Baker, His Majesty's late agent for prisoners of war, and Mr. Monroe, Secretary of State, respecting six of

\* Edward Dick, Thomas Rodgers, Adam Taylor, John Gaul, Mike Pluck, George G. Roberts.

the crew of the late American privateer Sarah Ann, Richard Moon, captured by His Majesty's sloop Rhodian, John George Ross, Esq., Commander, whose names are inserted in the margin, and who, it appears, were sent to Jamaica, to which station the Rhodian belonged, on suspicion of their being subjects of His Majesty. And I further request your attention to a letter from Major General Pinckney to the Secretary of War, dated Headquarters, Charleston, 4th of November, 1812, from which it appears that twelve of His Majesty's subjects, then prisoners of war at Charleston, were held in prison to answer in their persons for the fate of the six men, of the Sarah Ann privateer, sent to Jamaica.

I have the honor to enclose you the copy of a letter from Vice Admiral Stirling, commanding His Majesty's ships of war on the Jamaica station, to Mr. Simpson, late sub-agent for prisoners of war at Charleston, from which you will perceive, that the six men of the Sarah Ann are considered by the Admiral as American prisoners generally, and are now on board a prison ship, in common with other American prisoners.

Having given you this information with respect to the six men of the Sarah Ann privateer, I have to request you will take the necessary measures to have the contingent responsibility which it was thought proper to attach to the persons of twelve British seamen, now in prison at Charleston, taken off, and that they may be informed thereof.

I understand that John Gaul, one of the six men, was paroled, and arrived at Georgetown, South Carolina, in the brig Cyprus, and that he has reported himself to the Marshal, who informed Mr. Simpson "that he had sent on to the Department of State his parole."

I have the honor to be, with great respect, sir, your most humble servant,

THOMAS BARCLAY.

OFFICE COMM'Y GEN'L OF PRISONERS,  
Washington, June 9, 1813.

SIR: I learn, with pleasure, by the letter you did me the honor to address me on the 1st instant, and the letter from Admiral Stirling you have enclosed, that the six men belonging to the American privateer Sarah Ann, detained in October last, and sent to Jamaica to be tried as British subjects, have been restored to the ordinary state of prisoners of war, to wait an exchange, and that there is now no intention to bring them to trial.

I very cheerfully comply with your request, sir, and have this day directed the Marshal of South Carolina to restore in like manner, to the ordinary state of prisoners of war, the twelve British seamen, confined under the orders of this Government, by him, and to inform them that the responsibility attached to their persons for the safety of the men of the Sarah Ann has been taken off.

Very respectfully, I have the honor to be, sir, your most obedient servant,  
J. MASON.  
Colonel THOMAS BARCLAY.

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CHILICOTHE, June 8, 1813.

SIR: I feel it my duty to lay before you the case of William McDowel Scott, late of Detroit, an unfortunate fellow-citizen, who has been seized and apprehended by the British commanding officer at Detroit and sent to Quebec, where he is now confined under pretence of being a British subject, and one found in arms in behalf of the United States against that Government.

William McDowel Scott is a native of Ireland, and emigrated to the United States about eighteen years since. He resided for some years in the State of New York, and in the Summer of 1800, he came to Detroit, established himself as a physician, and has ever since resided there. He has been naturalized agreeably to the laws of the United States, and this fact is well known to the British Government: and both in the Territory of Indiana, before that Territory was divided, and subsequently in the Territory of Michigan, he has held, and filled with respect and fidelity, some of the first offices in those two Territories.

Such, for example, as a justice of the peace and a judge of the common pleas in the Indiana Territory, and subsequently Marshal of the Territory of Michigan.

In all these offices, sir, and in every other situation, in which Doctor Scott's public and political character has or can be viewed, he has uniformly manifested an undeviating attachment to the principles of our Constitution and the Administration of this Government.

His support, in the present cause, during the time that General Hull lay at Sandwich and Detroit, was not outdone by any person whatever. In fact it was his unwearied exertions that have provoked and spirited up the British to that line of conduct and persecution they are now pursuing towards him.

Proctor, who sent him from Detroit, and Sir George Prevost, who received him at Fort George and forwarded him to Quebec, threaten to treat him with all the severities authorized by the laws of nations and usages of war, in cases of an actual bona fide British subject found in arms against that Government.

I do not, for myself, however, entertain a belief that they will dare to put their threats into execution to their full extent. But, sir, without the interference of the Government, they will detain him during the war, and they will make his life so wretched and miserable that death would be a welcome messenger.

I hope, sir, the occasion will be a sufficient apology for obtruding this communication upon you. I am amongst the number of those who have not the honor of a personal acquaintance with you. But General Taylor, who I look to as the bearer of it, is a gentleman to whom I am personally known, and who has likewise a pretty correct knowledge of the character of Doctor Scott.

I have the honor to be, sir, with great respect,  
your obedient servant,

E. BRUSH.

The Hon. JAMES MONROE, Esq.

Extract of a letter from John Mitchell, Esq., agent for American prisoners of war at Halifax, to the Secretary of State, dated

MAY 28, 1813.

"I have just been informed by the agent for prisoners, that Mr. John Light, of the Julian Smith, a privateer commanded by Captain Henry Cooper, will be detained here in consequence of his having, previous to the war, taken the oath of allegiance in this province, (Nova Scotia,) and commanded a vessel out of this place (Halifax.) Mr. Light was lieutenant of the privateer captured by the Nymph, the 12th May, 1813."

H. M. S. POICTIERS, May 8, 1813.

SIR: I am sorry I am under the necessity of detaining J. Stevens and T. King, late of the Vixen, in consequence of their being British subjects.

I am, sir, your very obedient servant,

J. P. BERESFORD.

To Lieutenant DRAYTON.

The original is in the possession of the Commissary General of Prisoners.

W. JONES.

NAVY DEPARTMENT, May 17, 1813.

SIR: You are hereby authorized and instructed to address a letter to Admiral Sir John Borlase Warren, representing the following facts and determination, viz: That a part of the officers and crew of the United States' brig Vixen were returning from Jamaica, on parole, as prisoners of war, and entering the Delaware, when Commodore Beresford caused them to be brought on board the Poictiers, and detained until a part of the crew of that ship, whom he demanded in exchange, were sent down from Philadelphia; that ultimately, he detained John Stevens, carpenter, and Thomas King, seaman, two of the aforesaid crew of the Vixen, on the plea of their being British subjects, as appears by a letter from Commodore Beresford to Lieutenant Drayton, late first of the brig Vixen; and that you are commanded explicitly to declare, that, in retaliation for the violent and unjust detention of the said John Stevens and Thomas King, the Government of the United States will immediately cause four British subjects to be selected and held in duress, subject to the same treatment, in all respects, that the said John Stevens and Thomas King may receive during their detention.

On the receipt of the Admiral's answer, you will communicate the same to me without delay.

I am, respectfully, your obedient servant,

W. JONES.

CHARLES STEWART, Esq.,

Commanding Naval Officer, Norfolk, Va.

Colonel W. Scott to the Secretary of War.

WASHINGTON, January 30, 1813.

SIR: I think it my duty to lay before the Department, that, on the arrival at Quebec of the American prisoners of war, surrendered at Queens-

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town, they were mustered and examined by British officers appointed to that duty, and every native born of the United Kingdoms of Great Britain and Ireland sequestered and sent on board a ship of war then in that harbor. The vessel, in a few days thereafter, sailed for England, with those persons on board.

Between fifteen and twenty persons were thus taken from us, principally natives of Ireland, several of whom were known by their platoon officers to be naturalized citizens of the United States, and others to have been long residents within the same. One in particular, whose name has escaped me, besides having complied with all the conditions of our naturalization laws, was represented by his officers to have left a wife and five children, all of them born within the State of New York.

I distinctly understood, as well from the officers who came on board the prison-ship for the above purpose, as from others, with whom I remonstrated on this subject, that it was the determination of the British Government, as expressed through Sir George Prevost, to punish every man, whom it might subject to its power, found in arms against the British King contrary to his native allegiance.

I have the honor to be, &c.

W. SCOTT,

*Lieutenant Colonel U. S. 2d Artillery.*

Mr. Beasley to the Secretary of State.

LONDON, March 1, 1813.

SIR: Annexed you have a copy of a letter from Henry Kelly, in behalf of himself and twenty-two persons. He states that they are all citizens of the United States, and have wives and families there; that they were taken last October, in Upper Canada, and that they were sent to this country because they were born within the British dominions. I am, respectfully, &c.

R. G. BEASLEY.

ON BOARD H. M. S. NAMUR,  
*lying at the Nore, Feb. 6, 1813.*

SIR: This is to inform you of the under named twenty-three American soldiers belonging to the 13th, 6th, and 1st, regiments of the United States' armies. We were taken on the 13th of October, in Upper Canada. The reason of their sending us twenty-three here, is, we were born in the British dominions, though we are all citizens of the United States, and have our wives and children there. We are in a very miserable situation for clothing, having drawn no winter clothes before we were taken. We, therefore, hope you will send us some relief to shelter us from the inclemency of the weather.

Sir, I remain your obedient servant,

HENRY KELLY.

Sir, these are the names of my fellow sufferers: Henry Blaney, George M'Cammon, John Dolton, Michael Condin, John Clark, Peter Burr, Andrew Doyle, John McGowen, James Gill, John Fulsum,

Patrick McBrabarty, Matthew Mooney, Patrick Karns, John Fitzgerald, John Wiley, John Donnelly, John Curry, Nathan Shaley, Edward McGarigan, John Dinnue, John Williams, George Johnson.

Mr. R. G. BEASLEY.

Extract of a letter from Admiral Sir John Borlase Warren to the Secretary of State, dated

BERMUDA, March 8, 1813.

"I must refer you to my letter of the 30th of September, 1812, in which I stated the circumstance of twelve men belonging to the *Guerriere*, taken out of a cartel by Commodore Rodgers, and illegally detained, upon the pretext of six others, who were supposed to be British subjects, having been sent to the United Kingdom for examination; since that event, five of these people, named in the enclosed list, have been received at Halifax with orders for their discharge. I, therefore, request you will communicate these particulars to the President, in order that further directions may be given respecting the *Guerriere's* men, so long confined at Boston, and to obviate the other inconveniences which must inevitably arise from such practices."

The Secretary of State to Admiral Warren (extract) dated April 16, 1813.

"It appears by your letter (of the 8th of March, from Bermuda) that five only of the seamen that were taken on board the *Nautilus* and sent to England, in confinement, have been returned. No account is given of the sixth. Orders have been issued for the release of ten of the twelve men, who, on the principle of retaliation, were confined by Commodore Rodgers at Boston. You will be sensible that it will be impossible, on that principle, to discharge the other two men until the sixth American seaman is returned, or such an explanation given of the cause of his detention, as, according to the circumstances of the case, regarding the conduct of the British Government towards American seamen under similar circumstances, ought to be satisfactory."

Extract of a letter from Lieutenant F. H. Babbitt to Master Commandant Wm. M. Crane, of the United States' Navy, (late of the United States' brig *Nautilus*,) dated

BOSTON, Mass., Sept. 13, 1812.

Enclosed I send you a description of the proportion of our little crew, who have been so debased and traitorous as to enter the service of our enemy. Also, a list\* of those gallant fellows, whose glory it would have been to have lost their lives in the service of their country, and whose misfortune it has been to cross the Atlantic on suspicion of their being British subjects: four of them being native born American, and two naturalized citizens. On their parting with me, and removal from the Africa of sixty-four guns to the *Thetis*

\*This list is not received.

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frigate, (the latter with a convoy from England, then in 43 30 N. and 46 30 W.) their last request and desire was, that I would particularly acquaint you with their situation, with their determination never to prove traitors to that country whose flag they were proud to serve under, and whose welfare and prosperity they equally hoped and anticipated to realize.

F. H. BABBITT.

A list of men said to have entered on board His Majesty's frigate Shannon, Commodore Broke. Their description, as far as known.

Jesse Bates, seaman; about five feet nine inches high, dark hair and complexion, dark snapping eyes, has an impediment in his speech, and at times affects lunacy; has a wife and family in Boston, Massachusetts.

Samuel Lang, marine, born in Kentucky, five feet eight inches high, or thereabouts, and is supposed to be with Captain Hall, of the United States' marines, New York.

John Young, marine, five feet five inches high, large mouth, enlisted with Captain Hall, Navy Yard, New York; when addressed, or is addressing an officer, casts down his eyes. For his particular description, as well as that of John Rose, marine, about five feet eight inches high, brown hair, full face, thick set, and a scowl in his countenance, refer to Captain John Hall.

John O'Neal, seaman, about twenty-five years of age, five feet five inches high, dark hair, sharp face, dark eyes, thick set, and was shipped at Norfolk, Virginia, previous to your taking command of the Nautilus.

William Jones, ordinary seamen, about five feet eight inches high, light hair, twenty-four years of age, full face, thick set, downcast look, and is a very alert man; entered at New York, April last.

F. H. B.

Sir John Borlase Warren to Mr. Monroe.

HALIFAX, September 30, 1812.

SIR: Having received information that a most unauthorized act has been committed by Commodore Rodgers, in forcibly seizing twelve British seamen, prisoners of war, late belonging to the Guerriere, and taking them out of the English cartel brig Endeavor, on her passage down the harbor of Boston, after they had been regularly embarked on board of her for exchange, agreeable to the arrangements settled between the two countries, and that the said British seamen, so seized, are now detained on board the United States' frigate President, as hostages; I feel myself called upon to request, sir, your most serious attention to a measure so fraught with mischief and inconvenience, destructive of the good faith of a flag of truce, and the sacred protection of a cartel. I should be extremely sorry that the imprudent act of an officer should involve consequences so particularly severe as the present instance must naturally produce if repeated; and although it is very much my wish, during the continuance of the differences existing between

the two countries, to adopt every measure that might render the effect of war less rigorous, yet in another point of view, the conviction of the duty I owe my country would, in the event of such grievances, as I have already stated, being continued, not admit of any hesitation in retaliatory decisions: but as I am strongly persuaded of the high liberality of your sentiments, and that the act complained of has originated entirely with the officer who committed it, and that it will be as censurable in your consideration as it deserves, I rely upon your taking such steps as will prevent a recurrence of conduct so extremely reprehensible in every shape.

I have the honor to be, with the highest consideration, sir, your most obedient and most faithful humble servant,

JOHN BORLASE WARREN,  
*Admiral of the Blue, &c.*

JAMES MONROE, Esq., *Sec'y of State.*

Mr. Monroe to Sir John Borlase Warren.

DEPARTMENT OF STATE, Oct. 28, 1812.

SIR: I have had the honor to receive your letter of the 30th September, complaining that Commodore Rodgers, commanding a squadron of the United States' Navy at the port of Boston, had taken twelve British seamen, lately belonging to His Britannic Majesty's ship the Guerriere, from a cartel in the harbor of Boston, and that he detained them on board the President, a frigate of the United States, as hostages.

I am instructed to inform you that inquiry shall be made into the circumstances attending, and the causes which produced, the act of which you complain, and that such measures will be taken, on a knowledge of them, as may comport with the rights of both nations, and may be proper in the case to which they relate.

I beg you, sir, to be assured, that it is the sincere desire of the President, to see (and to promote, so far as depends on the United States) that the war which exists between our countries be conducted with the utmost regard to humanity.

I have the honor, &c.

J. MONROE.

Sir JOHN B. WARREN,  
*Admiral of the Blue, &c.*

WASHINGTON, December 17, 1812.

SIR: I have the honor to annex a list of twelve of the crew of the late United States' sloop of war Wasp, detained by Captain John Beresford, of the British ship Poictiers, under the pretence of their being British subjects.

I have the honor to be, respectfully, sir, your obedient servant,

GEORGE S. WISE, *Purser.*  
Hon. PAUL HAMILTON, *Sec'y of Navy.*

List referred to in the preceding note.

John McLoud, boatswain, has been in the service since 1804. Married in Norfolk in 1804 or 5, and has a wife and four children there.

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John Stephens, boatswain's mate, has been in the service five or six years.

George M. D. Read, quartermaster, has a protection, and has sailed out of New York and Philadelphia for several years.

William Mitchell, seaman, James Gothright, seaman, John Wright, seaman, Thomas Philips, seaman, Peter Barron, seaman, John Connor, ordinary seaman, John Rose, ordinary seaman, George Brooks, ordinary seaman, Dennis Daugherty, marine.

The greater number, if not all of the above, had protections at the time of entering and being taken. Two others were detained, John Wade and Thomas Hutchins, but were given up—the former on Captain Jones assuring Captain Beresford he knew him to be a native citizen; the latter on a like assurance from D. Rodgers. William Mitchell was in the service during 1805–6 in the Mediterranean.

GEORGE S. WISE.

WASHINGTON CITY, Dec. 17, 1812.

Extract of a letter from Major General Pinckney to the Secretary of War, dated

HEADQUARTERS, CHARLESTON,  
November 4, 1812.

"Information having been given upon oath to Lieutenant Grandison, who, at present, commands the Naval department here, that six American seamen, who had been taken prisoners on board our privateers, had been sent to Jamaica to be tried as British subjects for treason, he called upon the Marshal to retain double that number of British seamen as hostages. The Marshal, in consequence of instructions from the Department of State, asked my advice on the subject, and I have given my opinion that they ought to be detained, until the pleasure of the President shall be known. The testimony of Captain Moon is herewith. I hope, sir, you will have the goodness to have this business put in the proper train to have the President's pleasure on this subject communicated to the Marshal."

Copy of a letter from Captain Moon, of the privateer Sarah Ann.

NASSAU, NEW PROVIDENCE,  
October 14, 1812.

Six of my crew, claimed as British subjects, were this day taken out of jail and put on board His Majesty's brig the Sappho, and sailed for Jamaica, where, it is said, they are to be tried for their lives; consequently, I questioned each respectively as to the place of their nativity, and title to protection by the American Government, when they stated as follows, to wit:

David Dick, seaman, that he was born in the north of Ireland, but has resided in the United States ever since the year 1793; has served ten years in the United States' Navy, viz: On board the frigates Chesapeake, President, Constitution, John Adams, and schooner Enterprise, and gunboat No 2. David Dick, shoemaker, in Alexan-

dria, is his uncle. Dick is about five feet six and a half inches high, dark hair, has a scar on his left elbow, and one on each wrist; he entered on board the Sarah Ann in Baltimore.

John Gaul, seaman, says he was born in Marblehead, State of Massachusetts; where his parents, brothers, and sisters, now reside; is married in New York and his wife (Mary Gaul) lives in Roosevelt street, No 37; has a regular discharge from the Navy of the United States, by Captain Hugh G. Campbell, dated at St. Mary's, Georgia, 14th August, 1812; says he has served on board the United States' brig Vixen, gunboats No. 10 and 158, from the last of which he was discharged. Gaul is twenty-seven years of age, about five feet seven inches high, brown hair, light complexion; he entered on board the Sarah Ann in Baltimore.

Michael Pluck, ordinary seaman, says he was born in Baltimore; his parents are dead, but is known by William Douland, Thomas Turner, and McDonald of Baltimore; has a sister in some part of Pennsylvania, whose name is Ann Welsh; was never at sea before; never had a protection. Pluck is twenty-six years old, five feet six and a half inches high, and has a scar on his left cheek bone; entered on board the Sarah Ann at Baltimore.

Thomas Rodgers, seaman, says that he was born in Waterford, Ireland, but has resided many years in the United States, and has been duly naturalized, a copy of which naturalization is filed in the custom-house at Baltimore; is known by Joseph Carey and Tom Rodgers, cork cutters, both of Baltimore; has a wife and three children in Baltimore; has lost his protection, but requests Joseph Carey to do all he can to effect his discharge from the British. Rodgers entered on board the Sarah Ann in Baltimore.

George Roberts, a colored man and seaman. This man I had not an opportunity of questioning; but I know him to be a native born citizen of the United States, of which fact he had every sufficient document, together with free papers. Roberts entered on board the Sarah Ann in Baltimore, where he is married.

Sonty Taylor, boy, says he was born in Hackensack, New Jersey, but has neither friends, relations, nor acquaintance there; says Jane Snowden, of Savannah, Georgia, is his mother; never had a protection. Taylor is fifteen years old, has brown hair and light complexion; he entered on board the Sarah Ann in Savannah.

RICHARD MOON.

*Late commander Sarah Ann.*

Copy of a letter from Admiral Warren to Mr. Mitchell, agent for the exchange of American prisoners of war, dated

HALIFAX, October 21, 1812.

SIR: I had the honor to receive your letter and its enclosures, relating to Thomas Dunn,\* and

\*NOTE.—The application was made at the request of his father, John Dunn, of Boston, who transmitted a deposition of his birth.



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beg leave to inform you, that it appears the said man is married in England, has been eight years in His Majesty's service, and received a pension from Government; under these circumstances, and the man never having made any application for his discharge from prison, he continues on board the *Statira*.

I have the honor to be, sir, your most obedient humble servant,

JOHN BORLASE WARREN.

Extract of a letter from William H. Savage, late Agent for American Seamen and Commerce at Jamaica, to the Secretary of State, dated

WASHINGTON, Dec. 1, 1812.

"I take the liberty to enclose you copies of a correspondence which took place between Vice Admiral Stirling (commanding on the Jamaica station) and myself, since the declaration of war. I should have furnished it to you at an earlier period, but an accident prevented, which I was not aware of until my arrival at this city."

Copy of my letter to Vice Admiral Stirling, commanding on the Jamaica station, on the subject of American seamen, after the declaration of war.

KINGSTON, JAMAICA, Aug. 6, 1812.

SIR: Enclosed is a copy of a letter received by me yesterday, from on board His Majesty's ship *Sappho*, purporting to have been written by four American seamen on board that ship, with a view to solicit my aid towards effecting their discharge, in consequence of the declaration of war by the Government of the United States against Great Britain.

In making this application, I am fully aware that my duties ceased as agent for the commerce and seamen of the United States, on the knowledge of such declaration being made known here; but, sir, I am led to believe that, at this period, it will not be deemed inadmissible on your part to receive, nor improper on mine to make, the request, that you will be pleased to grant an order for the discharge of these seamen, feeling conscious (should they even not be protected with the usual documents afforded to citizens of the United States) that an English seaman would not declare himself otherwise than such under existing circumstances.

I seize the present opportunity also to forward to you twenty-one documents, as proof of the citizenship of that number of seamen, said to have been impressed by ships of war on this station, the greatest number of which have been heretofore unsuccessfully claimed by me, on behalf of the United States, and which may still comprise, at this time, some part of the crews of His Majesty's ships on this station.

I beg further to state to you, that I have received numerous applications from on board various of His Majesty's ships on this station, for the relief of seamen, who, I doubt not, are entitled to the protection of the American Government, many of them having with them proofs of

their citizenship, as I am led to believe from the assertions contained in their communications. Applications have also been made for the relief of many, without success; the latter amount in number to forty-six, as per list of names enclosed, several of whom, I understand have been shifted (since their impressment) on board of other vessels than those they were at first taken on board of. All of which I beg to offer for your consideration, feeling, as I do, anxious to extend my last efforts in behalf of those seamen who are entitled to them, and at the same time being impressed with the idea, that it would be foreign to you, sir, to retain any Americans in the service of the navy of Great Britain, contrary to their disposition, during the present conflict. I, therefore, take the liberty of adding to my former request, that you will be pleased to grant orders that such seamen may be discharged from duty on board His Majesty's ships on this station.

With sentiments of the highest respect, &c.

WILLIAM H. SAVAGE.

Copy of Vice Admiral Stirling's Secretary's letter, in answer to mine to the Vice Admiral of 6th August, 1812.

ADMIRAL'S PENN, Aug. 7, 1812.

SIR: I am desired by Vice Admiral Stirling to acknowledge the receipt of your letter of yesterday's date, and to acquaint you that directions were given, some days ago, that all seamen in the squadron under his command, who can prove themselves to be American born subjects, should be sent to the prison-ship, until an exchange of prisoners is established between the two countries, in consequence of the late declaration of war by the United States against Great Britain.

I return herewith the papers which accompanied your letter; and am, sir, &c.

CHAS. STIRLING, Jr., Sec'y.

Extract of a letter from William H. Savage, Esquire, late Agent for American Seamen and Commerce at Jamaica, to Charles Stirling, Jr., dated

KINGSTON, Sept. 16, 1812.

"In answer to my letter of the 6th ultimo, you were pleased to inform me that directions had been given by the Vice Admiral, some days prior to the date of my letter, for the removal of all native Americans (who could prove themselves such) from on board His Majesty's ships to that of the prison-ship; but, as some time has now elapsed since you were pleased to give me this information, and learning that some instances of detention at present exist on board His Majesty's schooner *Decouverte*, I am led to embrace the subject again, as in one instance I shall hope to satisfy Vice Admiral Stirling of the man's being entitled to his removal from duty on board His Majesty's schooner of war. The person alluded to is Elijah Stirling, an American seaman, who was impressed from on board the British merchant ship *Brilliant*, at the Bay of Honduras, in the early part of the year 1810; by His Majesty's

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schooner *Flor del Mar*, and has since been detained on board of various of His Majesty's ships on this station, although provided with a regular protection, which instrument this man got conveyed to me about the 20th of September following, and which was by me forwarded to Admiral Rowley, accompanied (as usual in like cases) with a request that the man might be discharged. On the receipt of my letter, the Admiral answered, through his Secretary, that the nature of Stirling's impressment was such, that he could not comply with my request; but which answer was unaccompanied, in return, with the protection in question, and what has become of it, I am unable to say.

"About this period, I was led to understand from Admiral Rowley, that all American seamen who should be impressed from on board any British merchant vessel, would be retained in the service of His Majesty; but that all American seamen who should be impressed from on board of American vessels, would, on application, accompanied by proof, be discharged. As this information was received about the period of my application for the discharge of Stirling, I was led to conclude it stamped the nature of his impressment; and what confirmed it in my mind, was, that I received similar assurances to various applications made for American seamen, who had, under various circumstances, shipped on board of British ships, and were from thence impressed on board of His Majesty's ships of war, all of which I hope the Admiral will be pleased to take into consideration: for, to insist on the service of this man, I think will be a dereliction to the marked manner of his amiable endeavors to distinguish and relieve American seamen from duty on board the squadron under his command. I beg to enclose a note from Mr. Meek, (the late Secretary,) relative to my application for this man's discharge, and to observe, that, if it is possible, the protection may yet be found among the papers of the late Secretary, as it has not been usual to return me the protections of those men whose applications for discharge were not complied with.

"I beg furthermore to observe, that there appears also to be on board His Majesty's schooner *Decouverte*, two other American seamen, viz: John Englefield and Richard Lauderkin, the former of whom asserts, that he served his apprenticeship to the trade of a cooper, at Boston, but has lost his protection; the latter declares himself to be a native of Rhode Island, and that his protection has been destroyed by Mr. Oliver, commander of His Majesty's schooner *Decouverte*. I shall not now animadvert on the impropriety of such a circumstance, but request, should the instances here cited be found correct, that they may meet the attention of the Vice Admiral.

I have the honor to be, sir, your obedient servant,

W. H. SAVAGE,  
*Late Agent, &c.*

CHARLES STIRLING, Jr., Esq.

Extract of a letter from Vice Admiral Stirling's Secretary to W. H. Savage, Esq., in answer to his of the 16th September, 1812.

ADMIRAL'S PENN, Sept. 19, 1812.

"I have just received your letter of the 16th instant, which I have laid before Vice Admiral Stirling, and I am directed to acquaint you that Elijah Stirling, and other persons on board of His Majesty's schooner *Decouverte*, said to be American seamen, have not, when called upon, produced proof of being subjects of the United States. They do not fall under the description of persons which I informed you, in my letter of the 7th ultimo, were intended to be discharged from the King's service, and to be detained on board the prison-ship until an exchange of prisoners takes place with America.

"The note from Mr. Meek, dated the 21st September, 1810, is returned herewith, and as it appears thereby that Admiral Rowley thought the circumstances under which Elijah Stirling was impressed did not permit him to be discharged, Vice Admiral Stirling does not feel himself justified in attending to the man's wishes on a bare assertion. The protection you allude to is not to be found among Admiral Rowley's papers left in this office."

No. 3.

*Detention of Mariners as prisoners of war, who were in England at the time the war was declared.*

J. W. CROKER to Mr. Beasley.

ADMIRALTY OFFICE, Aug. 5, 1812.

SIR: Having communicated to my Lords Commissioners of the Admiralty your letter of the 31st ultimo, transmitting a list of men, said to be Americans, who have been impressed and detained on board His Majesty's ships, and requesting their discharge, I have their Lordships' commands to acquaint you, that, under present circumstances, they will defer the consideration of this request. I am, &c.

J. W. CROKER.

R. G. BEASLEY, Esq.

Extract of a letter from Mr. Beasley to the Secretary of State, dated

LONDON, Oct. 23, 1812.

"I have informed you that I had addressed Lord Castlereagh on the subject of our citizens who have been impressed, and are now held in the British naval service. I demanded their release, and complained of the treatment which some had received on offering to give themselves up as prisoners, or refusing to serve when they heard of the war. In reply, I have received a short note from Mr. Cooke, one of the under secretaries, stating that he was instructed to require of me the names of the men who had received the treatment complained of, and the vessels in which they were, which I immediately furnished, and urged a reply to the other part of my letter.

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In an interview I have since had with Mr. Cooke, I took occasion to remind him of it, when he intimated that the Government did not intend to answer me on that point; adding, that England was fighting the battles of the world; we had chosen to go to war, and so aid the great enemy, and that England had as much right to recruit her army and navy, in every possible manner, as France."

Mr. Beasley to Lord Castlereagh.

WIMPOLE STREET, Oct. 12, 1812.

MY LORD: In consequence of the war unhappily existing between the United States and Great Britain, it has become my duty to call your Lordship's attention to the situation of the great number of American seamen who have been impressed; and are now held in the ships of war of His Britannic Majesty. In addition to the wrong which is done to the United States by this detention of their seamen, I regret to state that some of these unfortunate persons, having heard of the war, and offered to give themselves up as prisoners, have, for so doing, or for refusing to do service, been punished.

To put an end to a proceeding and a state of things so revolting to humanity, and so contrary to the law and usage of civilized nations, I persuade myself it is only necessary to present them to the view of the British Government; and I therefore trust that effectual measures will be immediately taken to restore these injured men to liberty and to their country.

I have the honor to be, &c.

R. G. BEASLEY.

E. Cooke to R. G. Beasley.

FOREIGN OFFICE Oct. 19, 1812.

"In consequence of your letter to Lord Castlereagh of the 12th instant, I am directed by his Lordship to desire that you will furnish me with the names of the American sailors who have been so punished, and of the ship they are on board."

Mr. Beasley to E. Cooke.

WIMPOLE STREET, Oct. 21, 1812.

SIR: Agreeably to the request contained in your letter of the 19th instant, I now transmit to you a list of impressed American seamen on board British ships of war, who, having heard of the war, offered to give themselves up as prisoners, and for so doing, or for refusing to do service have been punished.

I beg you to remind Lord Castlereagh, that the other part of my letter of the 12th instant, requesting the release of the American seamen detained in the British service, is still unanswered.

I am, sir, &c. R. G. BEASLEY.

The list referred to in the preceding letter states the cases of the following persons:

John Ballard, on board the Zenobia, offered himself a prisoner, refused, and was put in irons for one night.

John Davis, on board the Thistle, gave himself up as a prisoner, and refused further service, for which he was flogged.

Ephraim Coveil, on board La Hogue, gave himself up as a prisoner, and refused further service, in consequence of which he was kept seven days in irons.

John Hosman, on board La Hogue, gave himself up as a prisoner, and refused further service, was put in irons, still kept therein, and was threatened by the commander with further punishment.

Russell Brainard, on board La Hogue, gave himself up as a prisoner, was put in irons, and still kept therein.

Thomas W. Marshall, Peter Lazette, Edward Whittle Banks, and Levi Younger, on board the Royal William, gave themselves up as prisoners, and were in consequence thereof put into close confinement for eight days.

OCTOBER 12, 1812.

Mr. Beasley requests Lord Castlereagh to cause the necessary passports to be furnished for the American ship William and Eliza, Captain Howland, to proceed to the United States with American citizens.

OCTOBER 21, 1812.

Mr. Cooke acquaints Mr. Beasley that there will be no objection to granting a license to a cartel for carrying to the United States such American citizens (non-combatants) as may wish to return to their country. He requests Mr. Beasley to inform him of the situation of the American ship William and Eliza.

Mr. Beasley to Mr. Cooke.

WIMPOLE STREET, Oct. 23, 1812.

SIR: I have now the honor to repeat to you what I stated in conversation this morning, that the persons for whose return to the United States I requested the necessary passports, are, for the most part, American masters and mariners; that some of them, in consequence of the loss of their vessels abroad, have come here on their way to America; that others of them, having been employed in British ships, are now desirous of returning home; that others, through the detention or condemnation of their vessels under British Orders in Council, and others, through all the casualties to which this class of men is always exposed, are left without the means of conveyance. None of these persons have been, in any way, engaged in hostilities against Great Britain. They are almost wholly destitute, and, for some time, have been chiefly supported at the expense of the United States. There are also, I believe, some American merchants and supercargoes, who are anxious of availing themselves of the same opportunity of returning to their country.

You are, I presume, aware, that the American Government has afforded every facility to the departure of those British subjects in the United

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States who were under similar circumstances with the persons included in my request.

With regard to the ship William and Eliza, in which these persons are to embark, I beg to observe, that I am well assured by those who have charge of her, that there is no impediment to her departure.

I am, &c.

R. G. BEASLEY.

Mr. Cooke to Mr. Beasley.

FOREIGN OFFICE, Oct. 28, 1812.

SIR: Having laid before Lord Castlereagh your letter requesting that you may be allowed to send a cartel to America, with citizens of the United States who wish to return to their country, I am directed by his Lordship to express his consent to this proposition, and am to desire you will confer with the commissioners for prisoners of war with regard to the account you are to give for such parts of the crew as shall appear to be combatants, and on that principle must be exchanged.

I am, &c.

E. COOKE.

OCTOBER 29, 1812.

Mr. Beasley states to J. W. Croker, of the Admiralty Office, that Lord Castlereagh had referred him to the commissioners for prisoners of war; that he had accordingly applied to them, and learnt that the instructions which that board had received from the Lords of the Admiralty were not sufficiently explicit to enable them to proceed in the matter. Mr. Beasley requests that their Lordships would be pleased to give such further directions to the Transport Board as might be found necessary.

OCTOBER 30, 1812.

John Barrow, of the Admiralty Office, informs Mr. Beasley, that his letter of the 29th of October had been laid before the Lords Commissioners of the Admiralty, and that the business had been referred to the Transport Board.

OCTOBER 29, 1812.

Mr. Beasley informs Alexander McLeay, of the Transport Office, that he had requested the Lords of the Admiralty would be pleased to give the further instructions necessary; and, presuming that these instructions would be immediately given, requests Mr. McLeay to inform him at what time it will be convenient for the commissioners that he should confer with them on the subject.

OCTOBER 30, 1812.

Alexander McLeay informs Mr. Beasley that he is directed to desire that Mr. B. would transmit to the Transport Office a list of all the persons whom Mr. Beasley proposed to send to America, stating their several qualities, and when and how they respectively came to Great Britain.

NOVEMBER 3, 1812.

Mr. Beasley transmits to Alexander McLeay, of the Transport Office, a list of American citizens whom it is proposed to send to the United States in the ship William and Eliza, stating their several qualities, and when and how they respectively came into Great Britain. This list contains one hundred and ten names. To these are added a list of six persons, being other passengers in the same vessel. Mr. Beasley remarks to Mr. McLeay, "I am well informed that many persons of the description and under the circumstances of those mentioned in the first of these lists, (being seamen,) who were awaiting the result of my late application to Lord Castlereagh for a cartel for their conveyance to America, have, within a few days past, been seized by the impress officers, and taken on board the tender off the Tower; and I beg to know what are the intentions of the British Government respecting them."

NOVEMBER 6, 1812.

Alexander McLeay informs Mr. Beasley that he had received and laid before the commissioners for the transport service, the list of persons proposed to be sent to the United States in the William and Eliza cartel, and adds: "In return, I am directed to request that you will inform the board whether you will engage that the above-mentioned persons, on their arrival in the United States, shall be exchanged for an equivalent number of British subjects, who may have fallen into the hands of the Americans. I am at the same time to acquaint you, that the prisoners above alluded to must sign engagements not to serve against this country or its allies until regularly exchanged."

Mr. Beasley to Mr. McLeay.

NOVEMBER 7, 1812.

I have to inform the board that I am willing to engage that the American citizens whom I propose to send to the United States on board the William and Eliza cartel, shall, on their arrival there, be exchanged for an equivalent number of British subjects of the same description, who may have fallen into the hands of the United States under similar circumstances; and that the men themselves shall sign engagements for the performance of any conditions similar to those which may have been exacted of such British subjects in the United States; it being understood, that, if it be found that British subjects, under any such circumstances, have been suffered freely to depart from the United States, then these engagements, so far as regards the corresponding class of American citizens, shall be void. If, however, it be more satisfactory to the board, that the return or exchange of these men should be regulated by the principles recognised by the two Governments in the cartel which, I am informed, has been lately concluded at Washington, I am ready to enter into an engagement to that effect.

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Mr. McLeay to Mr. Beasley.

NOVEMBER 13, 1812.

I am directed to acquaint you that the prisoners mentioned in the list transmitted by you will be released, upon your entering into an unconditional engagement that they shall be exchanged for British prisoners now in America, or who may be hereafter taken.

Mr. Beasley to Mr. McLeay.

NOVEMBER 16, 1812.

"For those American citizens who composed the crews of ships taken in war, I am at all times ready to enter into any engagement which the law and usage of nations require. But, for those whom your laws have invited, or whom misfortune has thrown into your country—whom accident, and not the fortune of war, has placed within your power, I must still urge my request, that they be allowed to depart the Kingdom on the conditions proposed in my letter of the 7th inst." But, "if the board will enter into an unconditional engagement, that all British subjects who have been permitted to leave the United States since the declaration of war, or who may be permitted to depart therefrom, shall be exchanged for American prisoners of war, I will, in like manner, engage for those American citizens agreeably to your letter." Mr. Beasley adds: "This arrangement, however, I would make with great reluctance; because it would not be in unison with that spirit of liberal warfare entertained by the Government of the United States, and because it would bring within the influence of the war those who might, without detriment to either party, be exempt from its operation."

Mr. Beasley to Mr. Hamilton, of the Foreign Office.

NOVEMBER 23, 1812.

I must beg leave to state, that that part of my note of the 12th ultimo, addressed to Lord Castlereagh, relative to American citizens who have been impressed, and are now held in His Majesty's naval service, remains unanswered. To the reasons already urged for the discharge of those men, may be added that of compelling them to fight against their country; and I need scarcely add, that, as they were forcibly detained before the commencement of hostilities, it would be very unjust to discharge them merely to make them prisoners. Of the number of those unfortunate persons, many must be in vessels on foreign stations at a great distance. It is a subject of much public interest in the United States, and one which involves the domestic comfort and happiness of many families.

Mr. McLeay writes to Mr. Beasley, and, after some preliminary reasoning, says:

NOVEMBER 24, 1812.

The Commissioners (of the Transport Office) are instructed (by the Lords Commissioners of the Admiralty) to continue to require from you an unconditional receipt, as prisoners of war, for all

persons of this description, previous to their being permitted to return to America.

Mr. McLeay to Mr. Beasley.

DECEMBER 23, 1812.

I have received and laid before the Commissioners for the Transport Service, &c., your letter of the 15th instant, and in return am directed to acquaint you that, at present, they are only authorized to deliver up to you the Americans mentioned in the list transmitted by you on the 3d of November.

Mr. Beasley to Alexander McLeay.

DECEMBER 24, 1812.

"After so long a time spent in discussing the principles and conditions of an exchange of prisoners between the United States and Great Britain, I perceive, with some surprise, by your letter of yesterday, that the only persons whom the board are authorized to deliver up to me, are those mentioned in the list transmitted to you on the 3d November, who, though so long known to the board as being at large in this city, have never been detained as prisoners, and who have, ever since their arrival, been maintained at the charge of the United States. During this interval those persons have been partially dispersed; some have been taken up as prisoners, some have been impressed, and some have otherwise disappeared. Others, however, under similar circumstances, have since been added, and there now remain about one hundred persons. Of these men, as I understand the tenor of our correspondence, those who belonged to vessels detained or taken in war, are to be suffered to proceed to the United States on my entering into the engagement which accompanied your letter of the 14th instant; but that, for the others, no engagement is required. In order to avoid any further misunderstanding, I beg to know whether this recapitulation is correct."

Alexander McLeay to R. G. Beasley.

TRANSPORT OFFICE, Dec. 26, 1812.

SIR: I have received and laid before the commissioners for the Transport Service, &c. your letter of the 24th instant; and, in return, I am directed to acquaint you that it is the intention of His Majesty's Government that such of the Americans, named in the list which accompanied your letter of the 3d of last month, as belonged to vessels detained or taken, and as are consequently prisoners of war, shall be suffered to proceed to the United States upon your entering into the engagement which accompanied my letter of the 14th instant; but that, for Americans who were resident or travelling in this country, or resorting hither for commercial purposes, not as mariners, no such engagement will be required.

I am, &amp;c.

ALEXANDER M'LEAY.

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Mr. Beasley to Alexander McLeay.

DECEMBER 28, 1812.

"On referring to that list (which accompanied my letter of the 3d ultimo) you will perceive another class of persons, namely, mariners, who did not belong to vessels detained or taken; and as your omitting to notice these men in your letter might leave room for some doubt respecting them, I lose no time in requesting to be informed on what terms the Board understand that they are to be suffered to return to the United States."

Alexander McLeay to Mr. Beasley.

DECEMBER 29, 1812.

"By a reference to my letter of the 26th instant, you will observe that mariners are expressly excepted from the description of persons who are to be released unconditionally, and consequently it is necessary you should give a receipt for all the mariners named in the list transmitted by you."

Mr. Beasley to Mr. McLeay.

FEBRUARY 17, 1813.

"In your reply, of the 9th instant, communicating the result of inquiries made by order of the Lords Commissioners of the Admiralty, relative to the alleged ill treatment of certain seamen claiming to be Americans, in the British service, in consequence of their having requested to be considered as prisoners of war, as represented in my letter to Lord Castlereagh of the 12th October, I have to observe, that, although the statement of those persons, and that contained in your letter, differ greatly as to the degree of this ill treatment, it does appear that some severity was exercised towards them on that occasion, and without any proper investigation of their claim of American citizenship, which, if established, should have exempted them not only from punishment, but from service. As it may be inferred, however, from your letter, that if proof be produced to support their claim, their request will yet be complied with, I have to inform you, that evidence to that effect was long since transmitted to the Lords of the Admiralty in behalf of several of these persons." [Here follows the names of persons, and a recitation of the proof of citizenship, &c.] Mr. Beasley proceeds, "I cannot avoid expressing my disappointment and regret that no notice has been taken of the request made to Lord Castlereagh in my letter of the 12th of October, for the general release of the American seamen detained in the British service."

Alexander McLeay, to R. G. Beasley.

TRANSPORT OFFICE, Feb. 26, 1813.

SIR: I have received, and laid before the Commissioners for the Transport Service, &c., your letter of the 7th of this month, with its enclosure, relative to the alleged ill treatment of certain seamen, claiming to be Americans, in the British service, in consequence of their having requested

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to be considered as prisoners of war; and the same having been referred to the Right Honorable the Lords Commissioners of the Admiralty, I am directed by the Board to transmit to you the enclosed copy of a letter which they have received from their Lordship's secretary, in answer thereto. I am, &c.

ALEXANDER McLEAY.

John Barrow to the Transport Board.

ADMIRALTY OFFICE, Feb. 25, 1813.

GENTLEMEN: Having laid before my Lords Commissioners of the Admiralty your letter of the 18th instant, enclosing a copy of a letter, together with the documents therein referred to, from Mr. Beasley, the American agent for prisoners of war in this country, on the subject of certain alleged citizens of the United States detained in his Majesty's service, I have it in command to signify their Lordships' directions to you to acquaint Mr. Beasley, that neither now, in war, nor before, during peace, is, or was, the British Government desirous of having American seamen in its service; and that their Lordships will now discharge, as prisoners of war, as they formerly did as neutrals, those persons who can adduce any sufficient proof of their being Americans.

You will further inform Mr. Beasley, that all the cases stated by him have received, or are under accurate examination, and that such persons who may appear to be Americans, will be immediately sent to prison, as many have been already.

I am, &amp;c.

JOHN BARROW.

Alexander McLeay to Mr. Beasley.

TRANSPORT OFFICE, March 6, 1813.

SIR: I am directed by the Commissioners for the Transport Service, &c. to inform you, that, upon the receipt of the printed letters which were transmitted by you to this office, for the purpose of being forwarded to certain seamen on board of His Majesty's ships of war, they considered it their duty to submit the same to the consideration of the Right Honorable the Lords Commissioners of the Admiralty, and to request their Lordships' directions on the subject; and the Board having, this day, received a letter from their Lordships' secretary, of which the enclosed is a copy, I have their directions to acquaint you accordingly, that the letters in question will not be forwarded, and that you cannot be permitted to maintain any correspondence with the seamen on board His Majesty's fleet.

I am, &amp;c.

ALEXANDER McLEAY.

John Barrow to the Transport Board.

ADMIRALTY OFFICE, March 5, 1813.

GENTLEMEN: In reply to your letter of the 16th of last month, enclosing a letter addressed by Mr. Beasley to a seaman on board His Majesty's ship Porcupine, and requesting to be informed if letters of a similar description should be forwarded to the persons to whom they are addressed, I am commanded by my Lords Commissioners of the



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Admiralty, to signify their direction to you not to forward any such letters, and to acquaint Mr. Beasley that he cannot be permitted to maintain any correspondence with the seamen on board His Majesty's fleet; observing to him, at the same time, that the printed letter in question, contains a statement unfounded in fact, for that, neither since the war with America, nor before, have their Lordships declined to release American seamen, admitted or proved to be such, though they have, and still do refuse to release persons assuming, without any proof or document, that character. I am, &c.

JOHN BARROW.

Copy of a printed circular letter addressed to American seamen in British ships of war.

LONDON, —, 1813.

In answer to your letter of the —, —, I have to inform you, that the Lords Commissioners of the Admiralty having, in consequence of the war between the United States and Great Britain, declined to release those American citizens who have been impressed, and are held in the British service, there appears to be no other course for you to pursue, than to give yourself up as a prisoner of war, to the commander of the ship in which you are detained.

*U. S. Agent for prisoners of war.*

Extracts of a letter from Mr. Beasley to Alexander McLeay, dated 13th March, 1813.

"In the letter of their Lordships' secretary of the 5th instant, the Board are directed to observe to me, that the printed letter which I addressed to certain American seamen detained in the British navy, 'contains a statement unfounded in fact; for that, neither since the war with America, nor before, have their Lordships declined to release American seamen, admitted or proved to be such.' It is not necessary to my present purpose to enter upon an examination of their Lordships' conduct on this matter, before the war; although my own official observation, in numerous cases, when I held the office of Consul, would authorize me to dispute even that part of their secretary's assertion. But, with reference to their Lordships' conduct since the war, I beg to remind them of their letter of the 5th August, soon after the commencement of the war, in answer to a request made on the 31st July, for the release of certain impressed American seamen, in which their Lordships, going beyond the mere declining to release the men, stated 'that, under the present circumstances, they will defer the consideration of the request for their release;' or, in other words, that they will not, at present, war being commenced, even think on the subject of their release. If further proof be necessary of their Lordships' having, as I stated in my printed letter, declined the release of such seamen in consequence of the war, I will call to their recollection a letter written by their secretary, on the 25th of August, in answer to an application for

the release of William Wilson, an impressed American, detained on board the Cordelia, in which they state that this man, being an alien enemy, *must continue to serve, or go to prison.* Should other corroboration be wanted, it may be found in the long and marked silence of the British Government to my numerous applications, again and again repeated, for the release of these men; seeing that it was not until the 25th of February, nearly seven months after their Lordships had informed me of their having deferred the consideration of the subject, and nearly five months after my formal demand made to Lord Castlereagh, that they directed the Board to inform me of their intention to treat them as prisoners of war. And even this was not done until eight days after my printed letter in question appears to have been on their table. Surely it was in utter forgetfulness of all these circumstances, that their Lordships declared my statement unfounded in fact; for it appears impossible that they can, in the mind of any person, bear a different interpretation from that which I have given them. But how do these facts bear on their Lordships' statement? How, I ask, does their determination, that Wilson, proved and admitted to be an American, must continue to serve or go to prison, support the assertion, that their Lordships have not declined to release American seamen when admitted or proved to be such? But, perhaps, in their Lordships' view, to send them from service and detention in ships of war, to confinement in prisons, is to release them. If so, it is unnecessary to pursue the subject further, and I will content myself with having vindicated the correctness of my own statement."

"I come now to the consideration of their Lordships' purpose, as expressed in their secretary's letter of the 25th ultimo, to treat as prisoners of war the American seamen who have been impressed, and are held in the British service. Taking into view the manner in which these unfortunate persons came into the power of the British Government; that their own rights and inclinations, the rights of their country, the law of nations, and every principle of justice, were violated in the very act by which each of these men was brought within its power, and that this wrong accumulates so long as any of them remain in its power, I do maintain that they are, on every ground, entitled to, and the British Government is bound to grant, their immediate and complete release. It acquired them only as the spoils of unlawful violence; how then can it retain them as the fruits of lawful war? Its right of control over them can only arise from the lawfulness of their detention; but that which was unlawfully taken cannot be rightfully held; and to acknowledge the pretension to such control as their Lordships' purpose implies, would be to legitimatise the act by which they came into their power. The British Government disclaims all right and all intention to take them, and this disavowal is an acknowledgment of its obligation to restore them to the same condition, and to the same freedom, from which they were taken. Upon what

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ground is it, then, that they are to be treated as prisoners of war? Not many years have elapsed since all Europe resounded with the complaints of Great Britain against France, for retaining, as prisoners of war, certain British subjects, who, having entered the French territories, in time of peace, were found there at the breaking out of the war. But, if that were regarded in England as an outrage, what will be thought of this detention, as prisoners of war, of American seamen, who, having been wrongfully taken on the high seas, and forcibly carried into the British service, in time of peace, are found therein at the breaking out of a war, doing her service, and fighting her battles? The conduct of France was attempted to be justified by certain acts of England, which were alleged to be equally contrary to the law of nations. But what justification, what excuse, can be set up for this conduct of Great Britain towards the impressed American seamen? What infraction of the law of nations, what violence or injustice exercised towards British subjects, or what outrage is this cruel act to retaliate? It cannot be the free and spontaneous permission given by the United States, at the commencement of the war, for every British subject, of every class and description, found within their territories, or in their power, to return to his country, that this imprisonment of American seamen is to requite. And, surely, this cannot be the indemnification which Great Britain offers these unfortunate men for the wrongs which she has inflicted on them, or the reward which she bestows for the service she has received at their hands.

"To the unqualified prohibition of all correspondence between myself and the impressed American seamen in His Britannic Majesty's fleet, so unreservedly stated in the letter of their Lordships' secretary of the 6th instant, I must conform, whatever may be my sentiments and feelings respecting it. The situation in which these unfortunate men and myself stood towards each other, appeared not only to invite, but to authorize a communication between us. On their part, the object of this correspondence was to obtain information and counsel as to the proper manner of conducting themselves under circumstances the most difficult, and on an occasion the most important and solemn, namely, how to act while forcibly held to service in ships of war belonging to a State engaged in actual hostilities against their country—a situation which their own good sense and proper feelings taught them was alike incompatible with their rights and their duties. My part has been, after having waited five months, in vain, for a communication of their Lordships' intentions, to recommend them, since there appeared no means of obtaining their release, to give themselves up as prisoners of war—an evil comparatively light to that which they suffer. In other instances, their letters have related the rejection of their offer, and the threats of punishment, and all contain complaints of the unexampled hardship of their situation."

R. G. BEASLEY.

A. McLEAY, Esq.

Extract of a letter from Robert Montgomery, Consul of the United States at Alicante, dated the 4th of November, 1812, to the Secretary of State.

"Herewith is a copy of a letter to Admiral Hallowell, with his reply. The man in question has declared, under oath, that he never signed any article or agreement whatever to serve on board the *Indefatigable*, nor any other British vessel, and he has now left her, losing what wages was due him."

ALICANTE, October 23, 1812.

SIR: Philips, a mariner and citizen of the United States, as appears by a regular protection, from the Collector of New York, informs me that, some time since, he engaged himself on board the transport *Indefatigable*, for six months, at certain wages agreed for; that he has now been eight months in said vessel, and demands his discharge and wages, but the master having refused both, obliges me to request you will inform yourself of the fact, and if as the mariner states, order him to be paid off and discharged.

Permit me to assure you, &c.

ROBT. MONTGOMERY.

BENJAMIN HALLOWELL, Esq.,  
*Admiral Royal Navy Great Britain.*

Admiral Hallowell to Mr. Montgomery.

H. M.'s SHIP MALTA, (Alicante Bay,)

October 26, 1812.

SIR: I find upon inquiry that there is on board the *Indefatigable* transport, the man mentioned in your letter of the 23d. As there is no objection to a foreigner going in the station of mariner, on board a vessel of that description, and as he has signed articles of agreement to serve on board the *Indefatigable*, I shall not molest him while he continues in her; but the moment he gets his discharge, I shall deem it my duty to take hold of him, and put him in confinement, as a prisoner of war. I have the honor to be, &c.,

No. 4.

*Compulsory service of impressed Americans on board British ships of war.*

I, Beekman Verplanck Hoffman, of the town of Poughkeepsie, do certify, that I am a Lieutenant in the United States' Navy; that I was a Lieutenant on board the Constitution frigate in the action and capture of the *Guerriere*; that after her surrender, I was sent on board; and after taking out the crew, fired and blew up the ship; that eight impressed American seamen were among the crew of the *Guerriere*, who were liberated at Boston. I was also on board the Constitution, in the action and capture of the Java, and was sent on board that vessel, and after the crew were removed, set her on fire and blew her up. Among the crew of the Java, thirteen impressed American seamen were found, three of whom had entered the British service, and were left, the other ten were liberated as Americans.

B. V. HOFFMAN.

POUGHKEEPSIE, April 16, 1813.

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Richard Thompson, being sworn, saith, that he is a native of New Paltz, opposite Poughkeepsie; that he sailed from Wilmington, about the 28th of April, 1810, on board the brig Warren, William Kelly, Captain, for Cork. On the homeward passage, in September following, he was impressed and taken on board the Peacock, a British sloop-of-war, and compelled to do duty. That, while on board that vessel, he made many unsuccessful attempts to write to his friends to inform them of his situation. He further saith, that, after he had heard of the war, himself and two other impressed American seamen, who were on board the Peacock, went aft to the Captain, and claimed to be considered as American prisoners of war, and refused to do duty any longer. They were ordered off the quarter deck, and the Captain called for the master-at-arms, and ordered us to be put in irons; we were then kept in irons about twenty-four hours, when we were taken out, brought to the gangway, stripped of our clothes, tied and whipped, each one dozen and a half lashes, and put to duty.

He further saith, that he was kept on board the Peacock, and did duty, till the action with the Hornet; after the Hornet hoisted American colors, he, and the other impressed Americans, again went to the Captain of the Peacock, asked to be sent below, said it was an American ship, and that they did not wish to fight against their country. The Captain ordered us to our quarters; called Midshipman Stone to do his duty; and if we did not do our duty, to blow our brains out. "Ay, ay!" was answered by Stone, who then held a pistol at my head, and ordered us to our places. We then continued at our pieces, and were compelled to fight till the Peacock struck; and we were liberated after an impressment of about two years and eight months.

his  
**RICHARD + THOMPSON.**  
mark

Read over and signed in presence of  
**JOSEPH HARRIS,**  
**JOHN S. FREAR.**

**POUGHKEEPSIE, April 17, 1813.**

**DUTCHESS COUNTY, ss :**

James Tompkins, being sworn, saith, that he is a native of Ulster county, opposite Poughkeepsie; that he sailed out of New York, in the month of April, 1812, in the ship Minerva, bound to Ireland; that, on her homeward bound passage, in July after, this deponent, with three other American seamen, Samuel Davis, William Young, and John Brown, were impressed and taken on board the British ship Acteon, David Smith, Captain. We were taken on Saturday evening; on Monday morning we were brought to the gangway, and informed that we must enter on board the ship and live as other seamen, or we should live on oatmeal and water and receive five dozen lashes. This deponent says, himself and the other

three impressed with him, did refuse to enter, and each of them were then whipped five dozen lashes. On Wednesday following, we were again all brought up and had the same offer made to us, to enter, which we refused, and we were again whipped four dozen lashes, each. On Saturday after, the like offer was made to us, and on our refusal we were again whipped three dozen lashes. On Monday following, still refusing to enter, we were again whipped two dozen, each. On Wednesday following, we were again whipped one dozen each, and ordered to be taken below, and put in irons till we did enter; and the Captain said he would punish the damned Yankee rascals till they did enter. We were then put in irons, and laid in irons three months. During the time of our impressment the ship had an action, and captured a French ship. Before this action we were taken out of irons and asked to fight, but we refused; and after the action we were again ironed, where we remained till the ship arrived at London. After arriving there we first heard of the war with America, and that the Guerriere was taken. This deponent took his shirt, and Samuel Davis and William Young took their handkerchiefs, made stripes and stars for the American colors, and hung it over a gun, and gave three cheers for the victory. The next morning at six o'clock we were brought up and whipped, two dozen lashes each, for huzzaing for the Yankee flag. Shortly after this, we were all released by the assistance of the American Consul and Captain Hall, who knew us.

This deponent further saith, that all had protections, and showed them, and claimed to be Americans, at the time they were impressed.

**JAMES TOMPKINS.**

Sworn before me this 17th day of April, 1813; at which time the said James Tompkins showed me his wrists, which, at his request, I examined, and there appeared to be marks on both of them, occasioned, as I suppose, from his having been in irons.

**WM. W. BOGARDUS,**  
*Justice of the Peace.*

**No. 5.***Violation of Flags of Truce.*

**MONTREAL PRISON, May 6, 1813.**

SIR: I am an unfortunate American, who was taken by the Indians on my way to Malden, with a flag of truce, from General Harrison, on the night of the 31st of January, and after a variety of indignities, too tedious to mention, I was brought here, and put in the dungeon for thirty-three days, and have been up on the centre floor a week. I wish to see you, if possible, and have your advice, &c. In haste, yours, &c.,

**SAML. MCKEEHAN,**  
*Surgeon's Mate, 2d Reg. 2d Brig.*  
*Ohio Militia.*

**Lieutenant DUDLEY.**

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MONTREAL PRISON, May 9, 1813.

SIR: Yesterday Sir George's Aid came and informed me that the nature of my confinement had been contrary to his orders, and Colonel Lethbridge was required to restore me my liberty. I was also informed that you and myself would, probably, in a few days, be sent to the United States. Colonel Lethbridge told me he would send for me at 3 o'clock, and take my parole. In less than one hour, Major Shackleton called, and said the Governor, after a more mature consideration, had concluded he could not let me have my liberty until he would hear from General Proctor.

Two or three days after my imprisonment, Major Shackleton told me that General Proctor had promised, with the next despatches, to send all the papers relating to my case, and that then I would have a hearing.

So you may see punishment by torture is not yet abolished. If they had drove a dagger through my heart, my punishment would have been much less, and their compassion much greater.

Yours, &amp;c.,

SAMUEL MCKEEHAN.

Major Shackleton also told me that Colonel Baynes was unauthorized to tell me what he did.

S. McK.

Lieutenant DUDLEY.

MONTREAL JAIL, May 12, 1813.

SIR: I am requested by Doctor McKeehan to inform you of his present unpleasant situation. He is at this time so unwell as to be confined to his bed, and has no chance of getting anything to make him comfortable. No person attends here to examine our situation; neither have we a chance to send out after any necessaries that we want.

I am confident the Doctor's case requires some very speedy aid, particularly as it respects his confined situation, lodging, &c. Yours, respectfully,

GEO. H. RODGERS,

United States' Army.

Lieutenant DUDLEY.

*Doctor McKeehan's Narrative.*

ALBANY, May 24, 1813.

On the 31st of January last I was ordered by General Harrison to proceed to the river Raisin, with a flag of truce, and from thence to Malden, if not stopped by the Indians. We arrived at the foot of the rapids of the Miami, at dark, and not finding a company of rangers as expected, we encamped in a cave, the horse and carryall before the door, and the flag standing by them. About midnight the Indians fired in upon us, killed Mr. Lemont, wounded myself in the foot, and made us prisoners. After despatching Mr. Lemont with the tomahawk, scalping and stripping him, they seized my horse, harness, great coat, blankets, and other clothing, and one hundred dollars in gold, which the General had sent to procure necessaries for the wounded of General Winchester's army.

That night I was made to walk more than twenty miles, to where Captain Elliot was stationed with a party of Indians. The captain treated me politely, and sent me to Colonel Proctor. I was scarcely seated before the Colonel began to exclaim against General Harrison; said he had been used to fight Indians and not British; found fault with my instructions, and said the flag was only a pretext to cover a bad design. I rebutted his insinuations with indignation, which I believe has been the cause of all my troubles since. I was not recognised, in my official character, until the 5th of February, when I was informed by Proctor's aid that I should attend on the wounded with Dr. Bower, and that I would be sent to the United States, but by a different route from that which I came. Doctor Bower in a few days was sent home and I detained.

On the 2d of March, I was arrested, by order of Colonel Proctor, and accused of carrying on a private correspondence. On the 8th, without having any trial, ordered to Montreal, and hurried on from Fort George, night and day, although thinly clothed, and the weather very cold. From Kingston to Prescott, I was made to eat with the officers' servants. This course of torture being finished, on the 28th, when I arrived in Montreal, and without being asked any questions, or suffered to ask any myself, I was put into the dungeon, eight or ten feet below the surface of the ground, where I had neither bed nor bedding, chair, bench, or stool; denied pen, ink, and paper, or even the use of a book, for two weeks. The only current of air that passed through my apartment came through the bowels of the privy! Here I was kept thirty-three days, when I was, to my great joy, put up with the American prisoners, and with them permitted to remain, until last Monday, when I was liberated by the intercession of Lieutenant Dudley, of the navy. Colonel Baynes, aid to the Governor, told me the outrage which had been committed on my person was contrary to his orders.

I left fourteen American prisoners in jail, viz: George H. Rodgers, United States' army; William Hollenback, Onis Hooker, Philaster Jones, Harry Jones, Lewis Minor, Zebina Conkey, Phiney Conkey, Canton; Seth Barnes, Camden; Jared Witheril, John Campbell, Schoharie; Major Watson, Ogdensburg; Alexander McGregor, Balston, who were kept in close confinement, notwithstanding Colonel Lethbridge and Major Shackleton had pledged their words to Captain Conkey, before he left Montreal for Quebec, that they should have the liberty of the town during the day. But the Captain was scarcely gone, when the pledge was either forgotten or disregarded. The prisoners now are not permitted to procure such things as their small stock of money would provide. Sometimes they are half a day without water, and two or three days without wood; and if they complain they are cursed and abused by the jailer, and told they are only allowed a quart of water in the day. I am requested to represent their situation to General

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Dearborn, which I intend to do as soon as I arrive at Saçkett's Harbor.

This is a sketch of the indignities I have had to put up with since the last of January. I am, yours, &c. **SAMUEL MCKEEHAN,**  
*Surgeon's Mate 2d reg't Ohio Militia.*

To his Excellency Major General Dearborn.

NIAGARA COFFEE HOUSE, June 4, 1813.

SIR: Without introduction or apology, I beg leave to state to your Excellency that, on the 31st of January last, I was ordered by General Harrison to proceed to the river Raisin with a flag of truce. I was required, in my instructions, if I met no British officer at that place, to proceed to Malden (if too great danger did not appear from the savages.) The same evening, thirty-three miles from the river Raisin, the Indians fired upon us and killed Mr. Lemont, (one of my attendants,) wounded myself in the foot, then conveyed me to Captain Elliot, who took me to the river Raisin, and from thence sent me to General Proctor, at headquarters, in Sandwich, who swore, by God, that the flag and papers which I gave him, was only a pretence to cover a dishonorable service. I rebutted his insinuations as moderately as my indignant feelings would permit. General Proctor made several observations on General Harrison's ability as a commander; said he was used to fight Indians, but not British troops, &c. He kept my instructions; did not even inform the senior officer, Ensign Baker, of the American prisoners, that he had a letter for him. I was ordered to a tavern, under the charge of a French sergeant. I waited till the 4th of February before I wrote to General Proctor, demanding in what character I was considered; how long I would be detained, and the cause of my detention.

The next day the General's aid informed me I was recognised as surgeon's mate, and would attend with Doctor Bower on the American wounded prisoners. On the 12th I received a letter from General Proctor, in answer to one I had written the day before, of which the following is a copy:

SANDWICH, February 12, 1813.

SIR: In answer to your letter of the 11th instant, I am directed by Colonel Proctor, commanding, to observe, that you were sent in for the purpose of attending on the sick and wounded of General Winchester's army, for which purpose you are now detained; and beg leave further to observe, that, in the execution of your duty, you will render a most important service to your country.

I have the honor to be, sir, your humble and most obedient servant,

A. W. McLEAN, A. D. C.

I continued to attend the wounded until the 2d of March, when A. D. C. McLean informed me that I was accused of carrying on a private correspondence, and that he was ordered to take me into custody and secure my papers; which

was accordingly done in the most uncivil manner. On the 8th of March, I was taken by a guard to Fort George, without trial or hearing, although I had written to General Proctor repeatedly, requesting an investigation, to which I received no answer of any kind. From Fort George I was sent to Montreal, and hurried on night and day, although thinly clothed (having been robbed and stripped by the Indians) and the weather very cold. On my arrival at Montreal, I was, without being asked any questions, or permitted to ask any myself, put into a dungeon eight or ten feet below the surface of the ground, in dark and solitary confinement, and there kept thirty-three days, after which time I was put up with the American prisoners. A few days after my elevation, Lieutenant Dudley became acquainted with my situation, and made such representations to Governor Prevost as induced his Excellency to send his aid, Colonel Baynes, who said he was directed by the Governor to inform me that the outrage which had been committed on my person was contrary to his orders, and told Colonel Lethbridge to take my parole and liberate me immediately. The Colonel, not having materials for writing at hand, said he would send for me at three o'clock. In less than one hour, the town major came, and informed me that the Governor, on more mature consideration, thought he could not liberate me until he got despatches from General Proctor. On the 17th May, eight or ten days after, I was taken from prison, and, in company with Lieutenant Dudley, sent to the United States. I may here observe, that the apartment in which I was confined did not contain either chair, bench, or stool, or any bedding whatever, for the space of two weeks. Fresh beef was furnished, but no salt. I was denied pen, ink, and paper, and treated uniformly with the utmost contempt by the sergeant, whom I had the honor of seeing once every day for a few minutes. By the request of fourteen American prisoners, now in Montreal jail, whose names are hereunto annexed, I beg leave to state to your Excellency, that they are kept in close confinement, sometimes half a day without water, and frequently two or three days without wood to cook with; and when they complained, the jailer's curses were freely lavished upon them. They have not the privilege of procuring some little necessities, which the benevolence of some humane persons enabled them to do by giving them a little money. Sir George Prevost has told them that their confinement is owing to the bad faith of their own Government, &c.

I would have stated to your Excellency the knowledge I had, through the report of others, of the outrages and cruelties exercised on the American prisoners taken at General Winchester's defeat, but must refer your Excellency to Mr. Ruland, who had a command in the Michigan militia last Summer, and who was, after having been dispossessed of all his property, sent to Fort George with me, who no doubt, had many opportunities of hearing such things triumphantly spoken of among British officers and subjects.

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I have the honor to be, your Excellency's most humble and obedient servant,

**SAMUEL MCKEEHAN.**

*Surgeon's Mate 2d Reg't Ohio Militia.*

*List of persons left in Montreal jail.*—George H. Rodgers, U. S. Army, Gaines Hooker, Jared Witherall, Lewis Minor, Pliny Conkey, Wm. Hollenback, Philaster Jones, Major Watson, John Campbell, David Johnson, Seth Barns, Danny Jones, Alexander McGregor, Zebina Conkey.

No. 6.

*Ransom of American prisoners from Indians in the British service.*

Extract of a letter from Mr. Woodward to the Secretary of State.

ALBANY, March 22, 1813.

"A few days previous to the 31st of January, 1813, I transmitted some letters addressed to the friends and families of a few of the prisoners whom we had been able to ransom out of the hands of the savages.

"On the 31st of January I addressed you a letter covering similar information for twelve other families."

No. 7.

*Pillage and destruction of private property on the Chesapeake Bay, and in the neighboring country.*

William Sears, of Talbot county, in Maryland, states, that about the — day of April last, whilst the British squadron, commanded, as he understood, by Admiral Warren, lay about Sharp's island, in the Chesapeake Bay, he being on the island called Poplar island, his place of residence, observed some tenders and barges coming off from the squadron in a direction towards the said island. The relater was then in the act of removing his furniture and other property from the island, and hastened therein from seeing the apparent approach of the enemy; but the said tenders and barges, whilst this relater was crossing to the main with his scows and batteaux laden with his property, and in tow of his two schooners, appeared suddenly to put back to their ships. The relater afterwards, in the afternoon and evening of the same day, made two other trips to the island, and succeeded in getting off all his bacon. On the succeeding day, as this relater thinks it was, he again went on the island and got off forty or fifty barrels of his corn and some other articles, without any interruption from the enemy. The relater having, in his first trip, got off his family and slaves, he now watched the movements of the enemy from his farm on the main. On Sunday morning the — he saw two tenders come to at Poplar island and go ashore in barges, and, after some length of time, he saw them depart from the island. The relater, in the afternoon of the last mentioned day, in company with several of his neighbors, went to see what the enemy had done on the island, and found that they had injured nothing, nor taken anything

away except some cider from the cellar. The relater then took off with him as many of his hogs and other articles as he could, and was hurried off by seeing the enemy put off from the squadron with several barges in tow of their tenders. The enemy, on that evening, took possession of the island, and remained that night and a part of the next day, as well as this relater recollects; and, on the last mentioned day, left the island and followed the squadron, which, in the meantime, had moved up the bay. The relater, seeing this, on the next or the second day after, again went on the island, and there found that the enemy had taken and killed about thirty head of black cattle, eighty-six head of old sheep and between twenty and thirty lambs; that they had killed three hundred breeding sows in their beds, whose pigs were found dead; and that they had taken off almost all of his poultry, all he supposes they could catch. From his house (where he had left some of his worst furniture) they took off an old looking glass, worth about four dollars, and some newspapers in a file. They broke several locks and one door, and threw many things about the house. In a house on the island, which had been occupied by James Sears, they broke his desk to pieces and threw about his furniture and other things; but the relater does not now recollect that anything was taken away.

In testimony whereof the said William Sears hath hereunto set his hand, this 22d day of June, 1813.

**WILLIAM SEARS.**

**MARYLAND, Talbot County, ss:**

Be it remembered, that, on this 22d day of June, 1813, William Sears, Esq., of Talbot county, personally appears before me, the subscriber, one of the justices of the peace of the State of Maryland, in and for Talbot county, duly commissioned and qualified, and made oath on the Holy Evangelists, that the statement of facts herein contained is substantially true, to the best of his knowledge, recollection, and belief.

Sworn before me, **PETER DENNY.**

**STATE OF MARYLAND, Talbot County, to wit:**

I hereby certify, that Peter Denny, Esq., before whom the above affidavit appears to have been made, and who has thereto subscribed his name, was, at the time of taking and signing the same, and still is, one of the State of Maryland's justices of the peace, in and for the county aforesaid, duly commissioned and qualified.

In testimony whereof, I have hereto set my hand, and affixed the seal of my office, [L. S.] this twenty-fourth day of June, Anno Domini 1813.

**JACOB LOOCKERMAN,**  
*Clerk Talbot County Court.*

**STATE OF MARYLAND, Cecil County:**

Personally appeared before me, the subscriber, one of the justices of the peace for the county and State aforesaid, Frisby Henderson, and made oath



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on the Holy Evangelists of Almighty God, that, on the 29th day of April, 1813, about seven o'clock A. M., a considerable British force, distributed into thirteen barges, commenced a hostile attack on a landing called Frenchtown, the property of this deponent, in the county aforesaid; that, some days previous thereto, a battery for five guns had been commenced on the wharf, but was in an unfinished state; that, on the approach of the British force, eight or ten men collected, and commenced firing from the battery, and stopped the advance of the barges for some time. The ammunition being expended, the barges then came on, and a firing from them commenced of cannon shot at the battery, and also at the dwelling houses in Frenchtown. The British then landed on the wharf, and immediately set fire to a new store-house on the wharf, which at that time contained nothing but a large quantity of oats, the property of this deponent; and also a fishery adjoining the wharf was set on fire at the same time. After burning the said store-house and fishery, a force of about two hundred and fifty marines was marched from the wharf, through Frenchtown, and up the river shore, to the dwelling-house of this deponent, and demanded the way to the town of Elkton; that, finding the river must be crossed on that direction to get to Elkton, the whole force returned to Frenchtown, broke open the upper store-house, which was at that time full of goods, part of which was the property of the United States, and the remainder for different merchants of Baltimore, to the amount, probably, of fifty or sixty thousand dollars; and plundered and carried off part of the goods, and set fire to the house and burnt it with the remainder of the goods. This deponent saith, that, by the destruction of the two store-houses and fishery, together with the oats and other property he had in the upper store-house, burned by the British as aforesaid, he has sustained a loss of about three thousand dollars.

Sworn before me, the subscriber, on this 12th day of June, 1813. ALEX. KINKEAD.

*STATE OF MARYLAND, Cecil County:*

Personally appeared before me, the subscriber, one of the justices of the peace for the county aforesaid, Cordelia Penington, living in Frenchtown, and made oath on the Holy Evangelists of Almighty God, that she saw the British, on the 29th of April, 1813, land on the wharf at Frenchtown, and immediately set fire to and burnt the store-house and fishery. That, on the British breaking open the upper store-house, this deponent went down to the store-house, and solicited the commanding officer not to burn the house; he replied, that he came for the purpose of burning the store-houses; that they were public property; that this deponent replied, the store-houses were private property, and belonged to her brother; the officer said there was public property in it, and should be burnt, and ordered the house set on fire, and burnt it with all the goods they did not carry away.

Sworn before me, the subscriber, the 12th day of June, 1813.

ALEXANDER KINKEAD.

*STATE OF MARYLAND, Cecil County:*

Personally appeared before me, the subscriber, one of the justices of the peace for the county aforesaid, Delia Penington, and made oath on the Holy Evangelists of Almighty God, that she saw the British, on the 29th of April, 1813, land on the wharf at Frenchtown, and immediately set fire to and burn down the store-house and fishery. That, after the store-house was on fire, the marines were marched up from the wharf; and, at the time of the plundering and burning the upper store-house, the marines were formed in the road opposite her mother's house. The officer commanding the marines, who informed this deponent his name was Wybourne, said their orders were to burn the stage stable and destroy the stage coaches. That, on this deponent's soliciting of him not to burn the stables and stages, the officer replied, the question they generally asked when they went to any place was, how they voted at the elections, and inquired of this deponent if her uncle, meaning Mr. Henderson, voted for the war.

Sworn before me, the subscriber, this 12th day of June, 1813.

ALEXANDER KINKEAD.

I do hereby certify, that, on the morning of the 6th of May last, I was impressed at my house at Turner's Creek, by the British forces, as they passed up the river Sassafra to Frederick and George towns, and was forced to accompany them to the above places. On our way up, we were met by two mulatto men in a batteau. Captain Byng, (the name, I believe, of the officer,) in whose boat I was, took a white handkerchief, fastened it on his esponton, and was about to enter the batteau with the negroes, in order to proceed up the river, to inform the officer commanding there that, if he would not fire upon their barges, they would not destroy the town, when he was ordered by the Admiral not to do so, who observed, "that he would only send the negroes with the message; that, as they were known to the people in the fort above, he expected that they would believe what they told them." We were then opposite to Mr. Wicke's farm, which I think must be about a mile below the fort. The batteau with the negroes went to the fort as directed, and the British forces soon after followed. I was in the foremost boat, and continued in said boat until their return down the river, after burning the towns, when I was landed on Mr. Withered's shore; and most positively declare, that there was no white flag ever hoisted in her or any of the other boats, to my knowledge; nor did I ever hear any of the British officers or privates say they had ever hoisted a flag, or that one ever had been fired on.

The captain, on his return down the river, declared, that "if he could catch Colonel Veazey,

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who commanded at the fort above, he would quarter him, and give me part of his quarter for steaks, for that the fire he had received was one of Washington's rounds."

I can't say positively what number of men they lost, as they would only acknowledge five wounded, but think they have sustained greater injury.

Given under my hand, this 9th day of June, 1813.

JOHN STAVELY.

Subscribed and sworn to before—

SAMUEL BOYER.

I certify, that I was at the battery on Pearce's Point, on the 6th of May, when a squadron of British barges visited Georgetown; that I had a full view of all the barges until they got possession of the battery on the Cecil shore, and that I saw no white flag displayed from either of the barges.

W. SPENCER.

JUNE 9, 1813.

We, the undersigned, certify that, on the 6th of May last, at the time Admiral Cockburn, with a considerable armed force, attacked and destroyed Frederick and George towns, on Sassafras river, in the State of Maryland, were in or near the breastwork below Fredericktown, under the command of Colonel Thomas W. Veazey. From our position, we had a full and perfect view of the enemy's hostile armament, and saw nothing with it, or preceded or followed it, that indicated or had the appearance of a flag of truce, according to the established usage of civilized nations.

We understand a flag of truce to be a mission for a pacific purpose, accompanied by men without arms, and unprotected by a naval or military force.

The barges moved up the river in close and compact order; the leading boat, a few yards ahead of the rest, said to be Admiral Cockburn's, carried a colored flag, and was escorted by not less than fifteen armed barges, and full of armed men, immediately in its rear, and evidently approached in a menacing manner, and with hostile intentions.

Given under our hands, this 10th day of June, 1813.

Joshua Ward,	John Loftis,
John W. Etherington,	John Duffoy,
Dela F. Heath,	John Etherington,
John V. Price,	Moses N. Carson,
Henry E. Coalman,	H. Dowlin, his x mark,
Samuel Dixon,	James S. Price,
Joshua Greenwood,	Elias See,
Robert H. Maxwell,	George Beaster.
William Etherington,	

We saw no flag of any description.

Joseph Davis,	J. Conly, his x mark,
William Roberts,	N. T. Franks, his x mark,
Dormer Oakes,	Joshua Haffington,
M. Kendrick, his x mark,	N. Farrow, his x mark.

STATE OF MARYLAND, Cecil County, ss:

On the 10th day of June, Anno Domini 1813, personally appeared each and every person whose names are subscribed to the foregoing certificate, before the subscriber, a justice of the peace for the county and State aforesaid, and made oath on the Holy Evangelists of Almighty God, that the facts detailed in the foregoing certificate are true, to the best of their knowledge and belief.

Sworn before

H. B. PENINGTON.

I do hereby certify, that I was at the breastwork near Fredericktown, on the 6th ultimo, when the British came up the river in their barges, and that I did not see a flag of truce, nor do I believe that the commanding officer at the breastwork knew or supposed there was any such thing in or among the barges. As witness my hand, this 12th day of June, 1813.

JAMES SCANLAN.

Sworn to before the subscriber, a justice of the peace for Cecil county, and State of Maryland, the day and year above mentioned.

H. B. PENINGTON.

The deposition of Richard Barnaby, of Fredericktown, in Cecil county, Maryland, aged about forty-eight years.

Being duly sworn, deposeth and saith, that, on the morning of the 5th of May, after the engagement took place at the fort below this town, that he went a short distance out of town to see some females to a place of safety, and, on his return, he met about twenty of the British troops armed, commanded by an officer, who observed, on meeting of him, here is one of the damned rascals from the fort; and then inquired where the damned rascals which were at the fort had run to, and ordered him to go with him and show them to him. The deponent observing he did not know where they were, the officer swore he was a liar, and drew his sword, and threatened to kill him; one of the men presented a bayonet, and another drew a dirk, and swore if he did not go he would run it through him. He afterwards went with them as far as Captain Francis B. Chandler's house, at which time Francis B. Chandler was going towards his house; and, on their hearing some person call him captain, the officer ordered his men to take him; the Admiral coming up at the time, inquired the reason that house was set on fire. Afterwards, this deponent returned to his own house with the Admiral, and requested of him not to have it set on fire. The Admiral promised it should not be burnt if he would furnish him with thirty fowls, which he promised he would do. He furnished them with about thirteen fowls. They then took away and destroyed nearly the whole of his furniture which was in the house, and his provisions, and left him

Given under my hand, this 12th June, 1813.

RICHARD BARNABY.

Sworn to and subscribed before me, a justice of the peace for Cecil county, the day and year above written.

H. B. PENINGTON.

*Manner in which the War is waged by the Enemy.*

The deposition of Francis B. Chandler, of Fredericktown, Cecil county, Maryland, aged about thirty-nine years.

Being duly sworn, depose and saith, that, on the morning of the 6th of May last, just as he returned from the fort, he was standing near his house, and saw a British party, consisting of about fifty persons, armed and headed by an officer, said to be a post captain, running up to his house; that he, this deponent, stepped upon the steps of the house, and requested the officer not to enter; that he caught him by the breast, and called him a damned rascal, and pulled him from off the steps, and then entered the house, with the whole of the party, and gave three cheers, and ordered the men to go to work, and called for fire; that they immediately commenced cutting the staircase, window-sash, and breaking the glass, and set the house on fire in three places; that, at this time, Admiral Cockburn arrived, and he, this deponent, begged him to have the fire put out until he would reason the case with him, and the Admiral asked him what he could do; if he could furnish thirty bullocks in half an hour; that if he could not, the house should be burnt; and asked him if he would try to get them; and upon this deponent replying in the affirmative, ordered the fire to be put out for the present; that he, this deponent, got upon his horse, and rode about half a mile, when he fell in with Colonel Veazey, and informed him what he was after; and that the Colonel told him to go back and inform the Admiral that he should not have them; that he returned and informed the Admiral of it, who then asked him what else he could do; and if he had a good deal of poultry; and upon replying yes, told him he must have it, and ordered his men to catch it; which was done, and carried off; that then, by the great persuasion and entreaty of this deponent's wife and sister, the house was ordered not to be burnt; but the sister of this deponent was much abused by one of their inferior officers, for her exertions in endeavoring to save the property; that this deponent had his warehouse burnt by them, with a considerable quantity of goods in it, and that he himself was a prisoner with them for about three hours.

Given under my hand, this 12th June, 1813.

FRANCIS B. CHANDLER.

Sworn to and subscribed before me, a justice of the peace for Cecil county, the day and year above written.

H. B. PENINGTON.

On this 12th day of June, 1813, personally appeared Jonathan Greenwood, aged thirty years, and being first sworn on the Holy Evangelists of Almighty God, did declare, and say: that, on the morning of the 6th of May last, upon the landing of the British forces at Fredericktown, where this deponent resides, an officer and two sailors came to said deponent's house, and swore that, if they had not found him without arms, they would have thrust him through with their bayonets; they then retired, fell in with some other forces, which soon

after came to deponent's house, broke it open, took whatever they conveniently could carry away, and destroyed the rest, with their cutlasses and dirks, and burned it, with his dwelling-house, storehouse, and kitchen. The officers appeared to be most active in the destruction of his property. The houses in the town were, soon after, generally, set on fire and destroyed.

JONATHAN GREENWOOD.

Sworn to and subscribed, before me, a justice of the peace for Cecil county, on the day and year above written.

H. B. PENINGTON.

The deposition of Captain John Allen, of Fredericktown, Cecil county, Maryland, aged about fifty-one years.

Being duly sworn, depose and saith, that, on the morning of the 6th May last, when the British forces landed, on the beach of Fredericktown, and marched up through the streets, they fell in with this deponent at his brother James Allen's house. The troops were headed by their commanding officer, (Admiral Cockburn, as this deponent was informed by one of the men,) and observed, who the damnation are these that kept such a firing upon us—are they regulars? This deponent answered no, they were militia; he then asked where they were gone, and was told he did not know; he then asked, where are all the men of the town? and was informed they were moved out; he said he had sent word to the shore that, if he was not fired upon, he would not destroy any property, and turned round and observed, to a black boy standing by, you black son-of-a-bitch was one of the persons I sent word by; which the boy denied. He then ordered the men to go on and burn and destroy, which they executed with fidelity. This deponent then begged the Admiral to spare his house, (meaning the house of James Allen,) as his brother's wife was confined up stairs, in a very delicate situation, with an infant only two days old. He then ordered her to be cleared out; Mrs. McDonnah, his wife's mother, run out, clasping her hands, and begged for God's sake to spare her child, for if she was removed her life would be lost. He then ordered, spare this house. He now marched off after the men that had been gone for some little time, and shortly after returned on horseback. This deponent then requested the Admiral to spare him one house, that he might collect his family together in, after it should please Providence to restore peace between the two nations. He then directed this deponent to get him some fowls, who informed him he had none; he damned him, and asked if he could not get them, and was told no; immediately afterwards a fire was made in the storehouse, and consumed. While George and Frederick towns were in flames, the Admiral, in the presence of this deponent, observed to his officers, well, my lads, this looks well; to which no reply was made, and he ordered all hands on board of the boats. That this deponent saw the British, two-and-a-half miles off, coming up, and saw no flag of truce, or anything like it. That this deponent was of opinion the

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defence made by Colonel Veazey, and the men under his command, was such as to entitle them to much credit, and justified by every circumstance within his knowledge; though himself and brother are sufferers to nearly one-half of the property in Fredericktown.

JOHN ALLEN.

Sworn to and subscribed, before me, this 12th day of June, 1813, a justice of the peace for Cecil county.

H. B. PENINGTON.

The deposition of Joshua Ward, living about one mile from Fredericktown, in Cecil county, aged forty-four.

Being duly sworn, depose and saith, that, from the best information he could obtain, from those persons that were left at his house, that a party of British, consisting of between thirty and forty men, commanded by an officer, said to be a post captain, on the 6th of May last, went to his house, and immediately placed a guard around it, inquired particularly for him, and searched every part of the house, swearing they would sacrifice him; being disappointed in finding me, they then began to destroy the tables, chairs, looking glasses, &c.; when they had completed the destruction of such furniture as they could not take off with them, the officer himself took down a pair of handsome looking glasses, and others of the party took as much of the best bedding, clothing, plate, window curtains, &c., as they could conveniently carry with them; my little boy's clothes they carried off on the point of their bayonets; before they left the house, they put powder in every room below stairs, an officer got fire himself from the kitchen, and had it kindled in the different rooms, and a bed put in the cellar with a part of the broken chairs, tables, &c., and a fire kindled; they then left the house, but continued in the yard until the fire was bursting from the windows, and swore, that, if there was an attempt to extinguish the fire, they would put the person to death; that they intended to return and burn everything on the farm; they fired at one of my sons, not twelve years of age, as he was driving off a flock of sheep.

JOSHUA WARD.

Sworn to and subscribed, before me, a justice of the peace for Cecil county, Maryland, this 14th June, 1813.

H. B. PENINGTON.

The deposition of Toilus Robertson, aged about thirty-four years, who did live within about one mile of Fredericktown, Cecil county, Maryland.

This deponent states, that, on the morning of the 6th of May, he was at the breastwork near Fredericktown, at the time the British armament came up the Sassafras river; that he saw no flag of truce; that, after the militia were obliged to retreat, he returned home, and in a very short time saw a party of the British coming towards his house, and he and his family left their house, except two black women and a black man, who state that the British took the deponent's household furniture, and piled it up in the yard before the house door, and set them on fire, which communicated to the house, and consumed it also;

the barn, which stood about one hundred yards from the house, was set on fire and consumed. This deponent lost all his household goods and provisions. He saw Fredericktown in flames, previous to his leaving his house, which alarmed himself and family to that degree, that he abandoned his house for their safety.

Witness my hand,

TOILUS ROBERTSON.

Sworn and subscribed to, before the subscriber, a justice of the peace for Cecil county, Maryland, this fourteenth day of June, 1813.

H. B. PENINGTON.

The deposition of Moses N. Cannon, aged about thirty-two, who lives within about one-half mile of Fredericktown, in Cecil county, Maryland.

This deponent states that he was at the breastwork, near Fredericktown, on the 6th of May last, when the British armament came up the Sassafras river; that he saw no flag of truce; that, after the militia were obliged to retreat, he returned home, and was occupied in turning horses out of his wheat field, when a party of the British came to his house; he rode up to them, and they informed him that he was their prisoner; and on his observing that he was in their power, they inquired of him if he had anything to drink, and he answering in the negative, they told him they had got something to eat, and asked him if he wanted his house burnt; and he answering in the negative, they told him to go then to the captain, that he was in the house, and would set fire to it; and on his going towards the house he met the person whom they called the captain, with another person with him, loaded with his, this deponent's, bed clothes, a pair of boots, and a number of other articles, carrying them towards his men, who were formed outside the yard; at the time, an officer on horseback rode up and inquired of the deponent where the damned militia were; observed to him that they had retreated, pointing at the same time towards a wood; he observed he must burn the deponent's house, and on the deponent expostulating with him, and stating the disadvantage he would labor under, in case his house was burnt, he then inquired of him the road to the mouth of Elk river, and if he, the officer, could march his men there, and the deponent observed that his Government would not permit him to give him any instruction; and the officer observed that he knew that as well as the deponent, but that he might trust a British officer, and smiled, and turned his horse, and ordered his men to march, and they went off, without burning the house or asking any more questions. The deponent then went to a neighboring house to see about a part of his family, and on his return back towards his house, he was fired on by a party of the British, stationed in the public road, about one hundred and fifty yards from the deponent's house; he then retreated across the field, and abandoned his house; he saw, after riding from the party who fired on him, a party going towards his house, who, as he

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supposes, destroyed, or took away, the residue of his household goods, and broke the window glass sash, doors, and did considerable damage to his house. Fredericktown was on fire about the time the first party of the British came to the deponent's house. Witness my hand.

MOSES N. CANNON.

Sworn to and subscribed, before me, a justice of the peace for Cecil county, Maryland, this fourteenth day of June, 1813.

H. B. PENINGTON.

SASSAFRAS NECK, *Cecil Co.*, June 28, 1813.

I do hereby certify, that, being in the fort at Fredericktown, on Sassafra<sup>s</sup> river, on the morn-

ing of the 6th of May last, when a battle took place with the British and the militia, under the command of Colonel Thomas W. Veazey, I distinctly saw the enemy, from the time they first came in view, and discerned no flag of truce, or anything resembling one. The enemy, after some resistance, landed, burned Frederick and George towns, and destroyed a great deal of other private property. My house, about eight miles on the river from the fort, was plundered by them on their way down the river.

JOHN T. VEASY.

Sworn before

H. B. PENINGTON.  
*Justice of the Peace.*

Valuation of Property destroyed in Fredericktown.

Owners' Names.	Species of Property.	Amount.
Captain John Allen	Dwelling house, kitchen, and meat house	\$1,200 00
	Small house	200 00
	Small do.	300 00
	Stable and carriage house	100 00
	Granary	1,000 00
		\$2,800 00
Richard Barnaby	Furniture and apparel	411 00
John Barnaby	House and kitchen	350 00
	House and kitchen	500 00
		850 00
John H. Brown	Wearing apparel	47 00
Captain Frs. B. Chandler	Granary and shed, near bank	1,000 00
	Granary on wharf	250 00
		1,250 00
Jonathan Greenwood	Dwelling house, kitchen, and store house	1,226 00
	Merchandise	792 37½
		2,018 37½
Mrs. Ann Moore	Dwelling house	1,200 00
	Furniture, &c.	447 00
		1,647 00
Joseph Jarvis	House	50 00
Elizabeth McClannan	House	100 00
James Mitchell	Dwelling house, kitchen, and meat house	300 00
Moses Cannon	Furniture, apparel, &c.	250 00
Toilus Robertson	Furniture, apparel, &c.	208 00
James Williamson	Furniture, apparel, &c.	153 25
Joshua Ward	Dwelling house and kitchen	2,500 00
	Furniture, apparel, &c.	2,836 45
		5,336 45
John Ward, senr.	Tenant's house	450 00
	Sum total	\$15,871 07½

*Manner in which the War is waged by the Enemy.**Property destroyed in Georgetown.*

Owners' names.	Species of property.	Amount.
Ann Bagwell - - -	Furniture, &c. - - - - -	\$156 00
Smith Bagwell's heirs - -	Shoemaker's shop - - - - -	200 00
Margaret Downs - - -	Dwelling house and kitchen - - - - -	150 00
Denis Donlevy - - -	Household furniture, apparel, musical instruments, books, provision, &c. - - - - -	3,744 15
Thomas Dollis - - -	Furniture, apparel, carpenter's tools, &c. - - - - -	110 00
Margaret Jackson - - -	Houses, furniture, apparel, money, tools, &c. - - - - -	1,865 75
Arthur Nicholson's heirs - -	Dwelling house, &c. - - - - -	350 00
Mary Nicholson - - -	Furniture, apparel, &c. - - - - -	150 00
Joseph Jarvis - - -	Furniture, apparel, &c. - - - - -	67 12½
Archibald McNeill - - -	House - - - - -	200 00
Fanny McNeill - - -	Furniture, apparel, &c. - - - - -	109 87½
Philip F. Rasin - - -	Granary - - - - -	\$300 00
	Furniture, apparel, &c. - - - - -	128 75
		428 75
Isabella Faggert - - -	Furniture, apparel, &c. - - - - -	134 56
Robert Usilton - - -	Furniture, apparel, &c. - - - - -	119 60
Mrs. Wilson - - -	Dwelling house, kitchen, and two out-houses - - - - -	1,800 00
William Inland - - -	Dwelling house, kitchen, stable, and carriage house - - - - -	850 00
Mrs. Pearer - - -	Dwelling house, brick, kitchen, stable, and carriage house - - - - -	850 00
Mrs. Mary Everitt - - -	Carriage house - - - - -	80 00
Jacob Roads - - -	Old house - - - - -	40 00
Heirs of William Pope - - -	Tavern house, granary, two story stable, and carriage house - - - - -	1,000 00
Miss Stengises - - -	Good brick dwelling house and kitchen - - - - -	2,500 00
Arthur Nicholson's heirs - -	- - - - -	200 00
Isabella Freeman - - -	Dwelling house, kitchen, stable, and carriage house - - - - -	800 00
Mrs. Mary Henry - - -	Storehouse - - - - -	250 00
Robert Elliott - - -	Dwelling house, kitchen, and stable - - - - -	300 00
Stepney Congo - - -	Dwelling house - - - - -	150 00
Ann Peare - - -	Dwelling house and kitchen - - - - -	150 00
William Jackson - - -	Dwelling house, kitchen, storehouse, and granary - - - - -	500 00
Inois Spuran - - -	Dwelling house and kitchen - - - - -	1,000 00
Heirs of Alex'r Williamson - -	Dwelling house, kitchen, &c. - - - - -	1,500 00
	Sum total, Georgetown - - - - -	\$19,755 81
	Ditto Fredericktown - - - - -	15,871 07½
	Whole amount - - - - -	\$35,626 88½

The within is an inventory of property burned, otherwise destroyed, or taken away, on the sixth day of May last, by the British forces commanded by Rear Admiral Cockburn, in Frederick and Georgetown, and the vicinity thereof, situated on Sassafras river, Eastern Shore, State of Maryland, taken by the subscribers, on oath, when they had a competent knowledge thereof; but when they had not a satisfactory knowledge of the property destroyed as aforesaid, schedules thereof were taken from the owners upon oath. The subscribers have sufficient reasons to believe, indeed, that property to a very considerable amount has been destroyed or taken away by the aforesaid British forces, from the abovementioned places, which they can obtain no correct or satisfactory account of.

JOHN J. COX,  
JOHN MAXWELL,  
JOHN BLACKISTON.

JULY 28, 1813.

EASTERN SHORE, (MD.,)

MARENGO, July 18, 1813.

SIR: Multiplied engagements and forgetfulness, succeeding each other, have prevented my forwarding to you this statement of the depredations committed on my property at Sharp's Island, by the enemy, while in the Chesapeake. On the 12th of April, while I was in the act of removing my stock, &c., they landed upwards of a hundred men, and prevented my removing anything. They detained me on the island until the 17th, in which time they were principally engaged in getting water. Declarations were made by Admiral Warren and the other officers, that everything of the stock or grain kind taken away, should be paid for at a fair price. Admiral Cockburn was, as I am informed, at this time sent up the bay with the advance detachment of the fleet. Admiral Warren's ship and a few tenders only remained about the island. At that time they took twenty-eight hogs, four sheep, twelve cattle,



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thirteen bushels of Indian corn, and informed me that they should allow the following prices for them: Hogs \$2½, sheep \$2½, cattle \$13 a piece, corn \$1 per bushel. On my return to the island some weeks afterwards, the accounts were made out to the amount of \$247, bills on their Government for the amount, except about \$54 in specie. Before I returned to the island the fleet had all gone down the bay. I understood from the inhabitants, living in sight of the island, that the enemy had paid the island another visit, and had made a general sweep of the stock. On my arrival at the island I found it too true. They had taken all my sheep, in number 91; sixty-five of which were one-half and three-fourths blood merinoes, and one full blood ram which cost me \$95, eighteen head of cattle, and about twenty hogs. They left a bill on their Government for \$133, and cash to the amount of \$40. They took all poultry, shot in a wanton manner one of the finest boars which this country could produce, and which was much admired by Admiral Warren for his uncommon beauty and breed, and who forbid, as a favor to me, that he should be disturbed. They bayoneted others, which they left wounded, and which would have been lost had my overseer not saved a part by killing them. They left nothing for the sheep, only a promise of \$2 per head. I have estimated my loss, arising principally from this last visit, at \$1,203, as will appear by the following statement:

18 cattle, at \$13	- - - -	\$234 00
20 hogs, at \$4	- - - -	80 00
55 ½ and ¾ blood lambs, at \$10	- - - -	550 00
36 common stock, with fleece, at \$6	- - - -	216 00
4 taken at the first visit, merinoes, at \$10	- - - -	40 00
		<hr/>
		\$1,120 00
Deduct \$2½ paid for the first four	- - - -	10 00
		<hr/>
		1,110 00
1 full blooded merino ram	- - - -	95 00
		<hr/>
		1,205 00
Bills and cash left	- - - -	173 00
		<hr/>
		1,032 00
Trouble and expense of reinstating stock	- - - -	100 00
		<hr/>
		\$1,132 00

I will give those prices to any person who will reinstate the same number of stock and kine at the close of the war, or deliver them at any of my farms, the ram excepted, as I have raised others of the same kind. The injury done me by breaking up the flock of sheep is far beyond the prices stated, as they cannot be reinstated for several years. The destruction of the ram was a wanton outrage, as he was not fit to be eaten. He was bayoneted, and I believe left on the island. This, I presume, was aimed at our manufactures.

There will be a loss of at least 20 per cent. upon the bills if sold here, and probably a total loss if

I wait for the British Government to pay them. Add this to the amount above given, makes the total loss \$1,203. Your friend and servant,

JACOB GIBSON.

JAMES NABB, Esq., near Easton.

TALBOT COUNTY, *sc* :

On the 20th July, 1813, came Jacob Gibson, esquire, before me, one of the Justices of the Peace for the State of Maryland, and for Talbot county aforesaid, and made oath, on the Holy Evangelists of Almighty God, that what is contained in the within instrument of writing is just and true, as stated, as near as he can ascertain.

WM. HARRISON, Jr.

UNITED STATES' FRIGATE ADAMS,

July 24, 1813.

SIR: I have the honor to enclose the copy of a letter from Lieutenant Reed, giving the particulars of the loss of the schooner Asp, and the inhuman conduct of the enemy to her commander, Mr. Segourney. Another letter from Lieutenant Reed, of the same date, mentions, that no part of the enemy's force were then above Blackstone's Island. He further states, that, in their attempts to land on the Virginia shore, they have been invariably repulsed.

Very respectfully, your obedient servant,  
C. MORRIS.

HON. WILLIAM JONES,  
*Sec'y of the Navy, Washington.*

UNITED STATES' CUTTER SCORPION,

POTOMAC, July 23, 1813.

SIR: It is with much pain I have to inform you of the death of poor Segourney, who was killed a few days ago, (I cannot say when,) gallantly defending his vessel. He was attacked whilst lying in Kinsale creek, by three launches, and after a gallant contest beat them off. They, however, on gaining the mouth of the creek, were reinforced by two more, and again renewed the conflict. About this time Mr. Segourney got wounded through the body. The crew, on seeing him fall, having no officer capable of leading them, jumped overboard and gained the shore; when the enemy, who by this time succeeded in getting on board, finding the colors still flying and Segourney sitting up, barbarously knocked his brains out with the butt end of a musket.

At the commencement of the action Mr. Segourney, thinking them too strong for him, had ran the schooner on shore, in which situation the enemy found her, and, not being able to get her off, set her on fire. The militia, however, (who must have been slow in collecting,) by this time got down and beat them off, retook the schooner, and extinguished the flames. They have since buried Mr. Segourney with the honors of war. I have not heard anything of the crew.

I am, sir, very respectfully, &c.

GEO. C. REED.

Captain CHAS. MORRIS,  
*United States' Frigate Adams.*

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Extract of a letter from Midshipman H. M. McClintock, dated Kinsale, July 19th, 1813, to the Secretary of the Navy Department.

"We were attacked by five boats; we continued doing the same as before, but having so few men we were unable to repel the enemy; when they boarded us they refused giving any quarter; there were upwards of fifty men on our decks, which compelled us to leave the vessel, as the enemy had possession; they set her on fire and retreated."

Extract of a letter from John Tuberville, Major of the 2d brigade, 111th regiment of the Virginia militia, dated

KINSALE, July 20, 1813.

"I arrived myself at the place of capture before the colors were lowered, and am confident that, even at that time, their numbers, amounting to between sixty and seventy, might have been reduced one-half before they could make their escape, could I have commanded twenty determined men. The gallant commandant fell before the enemy boarded him, by a ball which passed through his body, but continued to fight to the last extremity. When there were forty or fifty of the enemy on deck, one of the schooner's crew asked for quarter, which was denied him. At this instant the few remaining men made their escape by swimming to the shore, and Mr. Segourney was instantly shot through the head. The vessel was shortly set on fire, and the barges moved off. The officers fought bravely, and Mr. McClintock defended the vessel with much credit to himself, after the commanding officer was wounded."

HON. WILLIAM JONES,  
*Sec'y of the Navy, Washington.*

NEWBERN, July 19, 1813.

SIR: On Sunday night, the 11th instant, an English fleet, consisting of one seventy-four, three frigates, one brig, and three schooners, anchored about one mile from Ocracock bar; about day-break we were informed of it at Portsmouth, by persons from Ocracock. I immediately got up and ordered the cutter to get underweigh, and run up to Newbern and give the alarm, which she did, but made a very narrow escape from the barges, as she was obliged to beat over the swash against wind and tide, while they could row a straight course. I believe Admiral Cockburn had intended to have visited Newbern for the purpose of robbing the banks, but was prevented by the cutter making her escape to give the alarm. Indeed he said such was his intention, and was very much exasperated because the barges did not take her. I believe there were as many as twenty-five barges that crossed the bar, and I think there could not have been less than three thousand regulars, marines, and sailors in them: they captured the privateer brig Anaconda, of New York, and the letter of marque schooner Atlas, of Philadelphia, both valuable fast-sailing vessels; they then land-

ed on Portsmouth and Ocracock, and such a cruel wanton destruction of property was scarcely ever witnessed; they broke in pieces almost every species of furniture, cut open beds, and scattered the feathers, and even carried their villany to such a length as to rob many women of their children's clothes, without leaving them a second suit to their backs. The officers pretended there should be no depredations committed; and when complaints were made to them they would say, "point out the fellow and he shall be corrected," well knowing that it would be impossible to identify any one of them among such a number of strangers. They took off of the two places two hundred cattle, four hundred sheep, and sixteen hundred fowls, for which they pretended to pay the inhabitants, some of whom I believe received more than compensation, and others received nothing: in short, they have ruined almost all on the places. I had time to send my trunk, with what bonds and money there are belonging to the United States, on board the cutter, which escaped; I also had time to bring a few of the most valuable papers belonging to the office; it is well I did, for they destroyed my office entirely, every paper in it, both public and private; they destroyed my library and all other property of mine they could find, about eight hundred dollars' worth, and then sent me on board the seventy-four, where they detained me two days, until they had embarked and ready for sail. I was on shore two days before they discovered I was a public officer; I presume they sent me on board to prevent observation. After they had kept me until they were ready to start, they turned me adrift in the ocean in a small boat with four Spaniards, not one of whom was acquainted with the bar more than myself, in consequence of which we got into the breakers, and very narrowly escaped being all lost. All these things were transacted under the directions of the humane Admiral Cockburn. I believe, from the conversation I overheard, that they intend to visit Beaufort, then Wilmington, and so on to the southward.

My returns will be made as soon as I can get what remain in some kind of order.

Very respectfully, your obedient servant,  
THOS. S. SINGLETON,

HON. WILLIAM JONES, *Collector.*  
*Act'g Sec'y of the Treasury.*

On the morning of the 3d May, the day the British, under the command of Admiral Cockburn made the attack on the town of Havre-de-Grace, on my return from the commons where I had deposited some ammunition, I observed an officer on the horse of Mr. James Wood of this place, a few paces in a Southwest direction of the church. At first sight I was of the opinion it was one of our own officers, which I thought to be Adjutant McKinna, having heard but a few moments before the voice of John O'Neill crying out in words to this effect: "damn it men, return; we can certainly beat the rascals off." I was, however, deceived, as this officer was the person who

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took O'Neill prisoner while in the act of entreating the militia to return. Not knowing at the time that O'Neill was taken by him, I advanced in a direction towards the church on my way to the magazine, to assist in carrying off more ammunition, when I discovered in the front of the church a file of marines. To the best of my recollection I was then at a distance of from 100 to 150 yards from the officer on horseback, and I think about the same from three militia men, when this officer (said to be Lieutenant Westfall) with a drawn sword in his hand, it being the only flag he carried, cried out two or three times—"will you surrender?" One of the militia men made answer, but what it was I could not distinctly hear, and immediately fired on him, and it is said wounded him in the hand. Finding it impossible to reach the magazine, the marines being then round the church, which was contiguous to it, I bent my course towards Mrs. Sears's tavern, in hopes of finding some of the British officers there, and by entreaty to save some of the private property, which I was fearful would be destroyed. On reaching Mrs. Sears's sign post, I found the first division of boats had just reached the wharf, and two large guns were fired, one of which threw a ball on the roof and knocked off some shingles; the firing then ceased, and two other gentlemen with myself advanced on the wharf and asked for the commander of that division of boats. A person, whom I supposed to be a midshipman from his appearance, answered, "Captain Lawrance will be here directly;" he then asked a number of questions, such as, "have you any newspapers? how many militia have you, and where are they stationed? where is your post-office?" &c., to all of which we carefully avoided giving any direct answer. Some of the barges then warped up alongside of the wharf, when I thought it most prudent to leave them, being fearful that I should be made a prisoner. I then walked up towards the ferry-house, followed by the two gentlemen who went with me on the wharf; we were met by an officer, who immediately ordered us back. After reaching the lower end of the wharf, the midshipman before mentioned said, "sir, this is Captain Lawrance," pointing to the officer; Lawrance then addressed us in words to this amount: "what have you got to say for yourselves; where is your mayor or chief magistrate?" He was told we had no mayor, and that there was no magistrate in the place. He then asked, "are you prepared to ransom the town?" I asked him what sum he demanded; he said about \$20,000. We told him no such sum could be raised. "Why, then," he replied, "did you fire on us? had you not done that, and hung out a flag, we would have treated you better." I then asked him what was their intention in coming, and in what manner they would have acted had a flag been hung out on their approach? To the first question he gave no answer, but after a short pause observed, "about one-half the sum now demanded would have been taken." He was then told, small as that might appear to him, it could not have been raised. "Then," says he,

turning hastily round, "in three-quarters of an hour your town shall be in flames; you shall now feel the effects of war." The said Captain Lawrance then went into the tavern of Mrs. Sears, and with two or three men brought out a bale or box of goods, (which was said to have been lodged there the night before, belonging to a lady in Georgetown,) and placed it a few paces in front of the house; another officer (name unknown) entered afterwards, and brought out a second box, and placed it near the first. Captain Lawrance then turned to him and said "sir, I have placed a guard here; we must now attend to other business; we will see to this (pointing to the goods) to-night." The order to fire the house was then given, and Captain Lawrance walked down street and entered the store of S. Hogg & Co., the door of which had been previously broken open, and a few men were in the act of taking off wearing apparel, &c.; others had got to the counting-room desk in search of money, scattering the papers, &c., on the floor. The shameful act of pilfering the goods was, however, reserved for the redoubtable Captain Lawrance; he it was who first began the shameful scene, so disgraceful to an officer, by taking down knives, forks, &c., saying, "ha! the very thing we want;" and, turning round, called in a fresh set of plunderers, and said, "boys, here is fine plunder:" the men did not wait a second invitation, but set in with their worthy leader, and in a short time emptied the store, excepting some articles which were of little value.

WM. T. KILLPATRICK.

P. S. When I found that Captain Lawrance ordered his men in the store, and gave the order to plunder, I remonstrated with him on the impropriety of such proceeding, and observed, that, with civilized nations at war, private property had always been respected. He replied, in a hasty manner, "you ought to be more particular in your choice of representatives; you wanted war, and you shall now feel the effects."

W. T. K.

Sworn to, this twenty-fifth day of June, 1813, before.

ELIJAH DAVIS.

Personally came James Wood, of Havre de Grace, before me, the subscriber, one of the justices of the peace for Harford country, and made oath, according to law, that, on Monday morning, the 3d of May, 1813, between daylight and sunrise, as he was riding in the town of Havre de Grace, he discovered some men in the act of hauling up the shore a piece of artillery that had been mounted on the battery, and from their dress and the dulness of the morning he took them to be Americans, nor did he discover his mistake until he was taken prisoner and compelled to dismount; upon which the officer commanding the British immediately mounted his horse. A short period after, he was ordered on board of a barge in company with some other prisoners, which barge was moved up to Mrs. Sears's wharf, in company with

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other barges. Some short time after, he discovered a house at some distance from the water to be on fire, which excited some surprise, (the house belonged to Mr. John Tucker.) He observed to the coxswain of the boat, there was a house on fire, and asked him if he did not suppose it to be set on fire by a rocket; he replied, "perhaps it might." Directly after, I saw the British kindling a fire in the yard of Mrs. Sears, and asked them for what that was intended. The coxswain answered, "to set that house on fire." I then asked them, "why, you are not going to burn the building?" The reply from an officer on board the same barge (and who, I believe, had not been on shore) was, "yes, sir, we shall lay your town in ashes;" and in a few minutes I saw a general conflagration of the greater part of the best buildings, during the time I remained on board, which was until a very short time before they left the place. I saw the officers as well as the men in small squads bringing on board the barges, as they lay at the wharf, plundered property of almost every description, and depositing it. During the time, an officer brought on board a large trunk or box, and calling to one of the men, said, "I will give you two dollars to take care of this for me; this is my own plunder; this was a stage passenger's property, and therefore is mine." He further declares that he has no knowledge of any flag of truce being held out by the British, nor does he believe there was any.

JAMES WOOD.

Sworn to, this twenty-fifth day of June, 1813,  
before

ELIJAH DAVIS.

Personally came Roxana Moore, before me, the subscriber, one of the justices of Harford county, State of Maryland, and made oath, according to law, that on Monday morning, the 3d of May, in consequence of the firing of the British into the town of Havre de Grace, I fled for safety (my husband being from home) into the cellar of the house in which I lived; that, upon the firing having stopped, I came up, and meeting an officer on horseback, and who was wounded in the hand, I applied to him for protection, fearing injury from some of the men. He replied, "I will not hurt you, nor shall my men, but I will burn your house." I answered him that I could not get out of it with my little children. He replied, "then I will burn your house with you and your children in it." They proceeded a little further, and, after having set fire to my neighbor Richard Mansfield's tavern house, a number of them returned and entered my house, and began to pillage and plunder. They took the whole of my bed clothes, my own clothes, and all my children's even to my youngest child's, a baby not two months old, together with my cradle furniture. Upon my soliciting them to spare me some few things, one replied, "I will take every everything I can, it's what we came for," and immediately seized a shawl from around my neck, and which was at that time nearly all the covering my little baby, whom I

held in my arms, had, and carried it away; they more than once put fire to the house, but from the exertions of some of my neighbors it was as often put out.

She further declares that she never saw any flag of truce held out by the British, nor doth she believe there was any.

ROXANA MOORE.

Sworn to, this twenty-fifth day of June, 1813,  
before

ELIJAH DAVIS.

Personally came Richard Mansfield, a citizen of Havre de Grace, before the subscriber, one of the justices of the peace for Harford county, Maryland, and made oath according to law, that on Monday morning, the 3d of May, 1813, being in his own house about sunrise, and viewing the British barges as they came up the river, they keeping up a continual firing into the town, until they reached Mrs. Sears's wharf, being about two hundred yards below this deponent's when the firing ceased; they then landed, and, as well as he could discover at the distance from which he stood, immediately launched a 24 pounder on board a ferry boat, which bilged her, as she began to settle in the water as soon as they moved her out, and in a few minutes went down; during this time, two of the barges kept moving slowly up towards this deponent's, and as soon as landed, a petty officer ran to this deponent's ferry boat and called out, "there is nothing in her;" "cast her off," was the reply, which was instantly done. This deponent and his son being at this time on the wharf, discovered a British officer on horseback with several of his men at his heels, making to his house, upon which he returned and met them a few yards in front of his house. This officer, (whose name this deponent since learned was Lieutenant Westfall, and who was wounded through the hand) immediately ordered the house to be set on fire. This deponent remonstrated against such procedure, urging its being unprecedented among civilized nations at war, to burn and destroy private property; that when nations were at war all public property became fair objects of destruction, but that private property had heretofore been respected, except such as might unfortunately be injured by the usual and customary mode of warfare, or that might be taken as provisions. His reply was, "by G—d it should be burnt." This deponent and a Mr. King, who came with the officer, solicited for the moveable property that was in the house, it being furniture, stating to him that that was this deponent's only dependence, and was all he had. He replied generally, by ordering his men to burn. During this conversation the men were in the house breaking and destroying everything before them. Mr. King then begged the officer for one hour, saying that whatever could not be saved in that time might go. The officer's reply was, "one hour, no, by G—d, not five minutes; burn that house." Immediately they commenced, and had the dwelling house on fire in four different places in a few

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minutes. This deponent, together with Mr. King, continued to solicit for permission to save some furniture: after some time, Lieutenant Westfall observed, "you may save what you can, and what you can save shall not be disturbed." Exertions were then made by this deponent, his son, and Mr. King, to save from the devouring flames, which proved successful for a short time; but a few minutes convinced us what little dependence was to be placed on the word of a British officer, as the men, aided by officers, carried off what had been, by great exertions and considerable risk, saved from the flames. The enemy had been busily employed breaking, destroying, and carrying away, until the flames got to such height as to render it unsafe to go within the walls. They then commenced upon such property as this deponent had saved, carrying off every portable article, until their barges were stowed; ripping up beds, throwing the feathers to the air, cutting up chairs, breaking open desks, &c. The officer who made the attack on a walnut desk, refused to have it unlocked, but, after breaking open the lid, discovered the inner door, exultingly exclaimed, "ah! I am used to such things," or, "I am acquainted with opening desks," or some expression to that amount, and immediately broke it open, and continued his search as if for money. After having destroyed and carried off nearly the whole of this deponent's property, and seeing the buildings burnt down, they moved down to Mrs. Sears's wharf, and joined the other barges. This deponent was then advised by some of his friends to apply to some of the officers and endeavor to get some of his property back, which he did, but found such obstacles in the way that, after getting a looking glass, and some two or three articles of small value, he gave it up; but meeting the Admiral in person, he renewed his application, and after some time, was directed to go on board and get what he could; this deponent then stated the impossibility of succeeding without an officer to accompany him. An officer was sent, but after repeated attempts to get some of his property, he was, from the abuse and threats of being run through with a sword from an officer of marines, for claiming his property, compelled to decline any further exertions, after getting another looking glass, and a few more very trifling articles.

This deponent's observations being confined to his own house, and its immediate neighborhood, which was at the upper end of the village, he was not an eye-witness to their savage-like conduct generally. One dwelling-house and grocery store, the property of Mr. George Bartoll, which stood a few rods below, and in front of this deponent's, he saw the enemy plundering, and breaking everything to pieces, and ending by setting it on fire and burning it down; a number of houses were set on fire that were not consumed; a number they only robbed and broke the doors and windows; among the latter was the church, in which not one solitary window was left whole. During the time this deponent was on Mrs. Sears's wharf, and on board the barges, he solicited for the prisoners, citizens of the town,

to be set at liberty, naming those that he immediately saw and knew, among whom was James Sears, a youth of about seventeen, and John O'Neal, a naturalized Irishman, both of whom were, in a most positive manner, refused; and, as soon as O'Neal's name was mentioned, the officer, to whom the application was made, replied, "No!"—swearing he would have O'Neal hung if he could. O'Neal has since been discharged on parole. This deponent declares that he has no knowledge of any flag of truce being sent by the British, nor does he believe there was any.

R. MANSFIELD.

Sworn to, this twenty-fifth day of June, 1813,  
before  
ELIJAH DAVIS.

No. 8.

*Massacre and burning of American prisoners surrendered to officers of Great Britain, by Indians in the British service—Abandonment of the remains of Americans killed in battle, or murdered after the surrender to the British—The pillage and shooting of American citizens, and the burning of their houses after surrender to the British, under the guarantee of protection.*

Extract of a letter from Augustus B. Woodward, Esquire, to General Proctor.

DETROIT, Feb. 2, 1813.

"They [the inhabitants of Michigan] have entertained a constant apprehension that, when the American forces approach the Territory, and when an engagement has taken place, the fury of the savage mind at the sight of blood, and in reflecting on the dead they lose, and, perhaps, on the retaliatory treatment of prisoners, or of the dead, which their cruel mode of warfare is always likely to produce, might drive them to an ignoble revenge on the prisoners they find in the country, and the inhabitants of it, who are American citizens. They, therefore, pressed the subject on your attention previous to the battle of the 22d of January, 1813; and felt satisfied with your assurance that you considered your own honor pledged for their effectual protection.

"Since the result of that battle, facts are before their faces which they cannot shut their eyes upon. Some of them are, perhaps, unknown to yourself. I will enumerate some which I believe there will be no difficulty in establishing beyond the reach of contradiction.

"First. Some of the prisoners, after the capitulation of the 22d of January, 1813, have been tomahawked by the savages.

"Second. Some of the prisoners, after that capitulation, have been shot by the savages.

"Third. Some of the prisoners, after that capitulation, have been burnt by the savages.

"Fourth. Some of the inhabitants of the Territory of Michigan, citizens of the United States of America, after the capitulation, have been shot by the savages.

"Fifth. The houses of some of the inhabitants of the Territory, American citizens, after the capitulation, have been burnt by the savages.

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"Sixth. Some of the inhabitants, American citizens, after the capitulation, have been pillaged by the savages."

A. W. McLean, Esq., to Mr. Woodward.

SANDWICH, Feb. 9, 1813.

SIR: You will have the goodness to appoint a day for the purpose of adducing, before Colonel Proctor, such proofs as you may have, to substantiate the assertions in your letter to him, relative to the slaughter of the enemy's sick and wounded, on the 22d of January last.

I have the honor to be, &c.

A. W. McLEAN, *Aid-de-camp.*

Extract of a letter from Mr. Woodward to General Proctor.

SANDWICH, February 10, 1813.

"I had the honor to receive, on the third day of this month, a verbal message from you, communicated to me by Major Muir, requesting me to procure some evidence of the massacre of the American prisoners on the 23d day of January last.

"I met with only a few persons at Detroit who are inhabitants of the river Raisin, nor was it altogether a pleasant task to those to relate, in these times, the scenes they have beheld. Some of them, however, appeared before a magistrate, and I send you copies of what they have stated. It will occur to you, sir, immediately, that what any of them state on the information of others, though not direct evidence in itself, leads to the source where it may be obtained.

"In communicating your message, Major Muir added something having relation to American citizens who might be willing to take the oath to the King.

"It will be obvious to you, sir, that, in a state of open and declared war, a subject or citizen of one party cannot transfer his allegiance to the other party without incurring the penalties of treason; and while nothing can excuse his guilt, so neither are those innocent who lay temptation before him.

"The principles adopted by the United States on the subject of expatriation are liberal, but are perfectly inapplicable to a public enemy in time of war.

"Some of the French inhabitants of the Territory of Michigan, citizens of the United States of America, have been much urged on this subject, and are apprehensive of being still further troubled.

"I had the further honor of receiving, on the 8th instant, your verbal message, by your aid-de-camp, Mr. McLean, acquainting me that there was no capitulation on the 22d of January, and that the prisoners surrendered at discretion.

"I, therefore, beg pardon for that mistake.

"The principles, however, of the law of nations, impose an obligation almost equally strong."

No. XXV.—TRANSLATION.

TERRITORY OF MICHIGAN,  
*District of Detroit, ss:*

Personally appeared before me, the undersigned, one of the justices of the peace in the district of Detroit, Joseph Robert, an inhabitant on the river aux Raisins, who, being duly sworn on the Holy Evangelists, deposes and says, that, on the next day after the battle on the said river Raisin, a short time after sunrise, he saw the Indians kill the American prisoners with their tomahawks, and that they shot several, to wit, three; that the Indians set the house on fire, and that, in going out, the prisoners were massacred and killed as aforesaid, that is to say: three were shot, the others were killed in the houses, and burnt with the houses. The Indians burnt first the house of Jean Baptiste Jereau, and afterwards that of Gabriel Godfroy, Jr. The deponent has been informed that there were about forty-eight or forty-nine prisoners in the two houses. The deponent has seen dead bodies on the highway which the hogs were tearing and eating. Mr. Brunot told the deponent that the Indians had killed those of the prisoners who were least wounded, and that the others were burnt alive.

Antoine Cuiellarie and Alexis Salliot, inhabitants of river Ecorces, told the deponent that two prisoners had been burnt in the house of Grandon, on the river aux Sables. The deponent has heard that the Indians had torn out the hearts of the prisoners, and had brought them still smoking into the houses, but did not recollect the names of the informants; he believes, however, they were men worthy of credit.

The deponent says further, that, after the first action on the river Raisin, the Indians fired on one named Solo, son-in-law to Stephen Labeau, an inhabitant on the river aux Sables, when returning from the house of Grandon to his father-in-law. On his arrival, he hallooed to his father-in-law to open the door, saying that he was mortally wounded. Stephen Labeau opened the door, and told his son-in-law to throw himself on his bed; but that, in trying to move, he fell dead. An Indian knocked at the door, and Labeau, having opened it, received a ball in his breast, and fell dead. The son of Labeau made his escape; the Indians fired several shots at him, which did not reach him.

The deponent says further, that Baptiste Couture was killed near the house of the deponent, on the day of the second battle on the river Raisin, a little after sunrise.

The deponent says further, that the Indians have often threatened to burn his house and barn, if he did not march with them against the Americans. The deponent says, that he is an American citizen.

The deponent says that several of his neighbors have told him that they have received the same threat. Other settlements have been threatened with fire. The mills and houses on the river aux Roches were burnt in the month of



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September last, after the capitulation of Detroit. And further this deponent saith not.

JOSEPH ROBERT.

Sworn and subscribed before me, the 4th February, 1813.

PETER AUDRAIN, J. P.

No. XXVI.

TERRITORY OF MICHIGAN,

*District of Detroit, ss:*

Be it remembered that, on this day, February the fourth, A. D. one thousand eight hundred and thirteen, personally came before the undersigned, a justice of the peace for the district aforesaid, viz: John McDonell, an inhabitant of the city of Detroit, who, after being duly sworn upon the Holy Evangelists of Almighty God, depose and saith, that a few days after the battle of the 22d January last, (at the river Raisin,) he was personally present at the house of James May, Esquire, when he heard the said James May ask Mr. William Jones, the acting agent for the Indian Department, if there would be any impropriety in purchasing the prisoners from the Indians; and that he heard the said William Jones say, "that he thought there would be no impropriety in purchasing them, but would not undertake to authorize any person to do so;" that in consequence of which, this deponent purchased three or four of the prisoners; among the number was one by the name of ——— Hamilton, a private in the Kentucky volunteers, who declared to this deponent, that, on the first or second day after the battle at river Raisin, on 22d January last, as he and some of his fellow-prisoners were marching with the Indians between this place and the river Raisin, they came up to where one of the prisoners was burnt, the life just expiring, and an Indian kicking the ashes off his back, saying "damned son of a bitch."

This deponent also further depose, as aforesaid, that Doctor Bowers, a surgeon's mate of the Kentucky volunteers, who was purchased by him and some other gentlemen, stated to this deponent "that he was left to take care of the wounded after the battle, but felt rather timid on account of the savages, but that he received such assurances from Captain or Colonel Elliott of the safety of himself as well as the remaining prisoners, he concluded to stay, as sleighs were promised to be sent to fetch them away the next morning; that near about daylight of the morning following the day of the battle, the Indians came into the house where said Bowers was with the other prisoners, and proceeded to plunder and tomahawk such as could not walk, and stripping the said Bowers and the wounded prisoners of all their clothes; that while the said Bowers and two other prisoners, named Searles and Bradford, as near as this deponent can recollect, were sitting by the fire in the Indian camp, an Indian came up who appeared to be drunk, and called the said Searles, as near as this deponent can recollect, a Madison or Washington, then took up a tomahawk and struck the said Searles on the shoulder; that the said Searles

caught hold of the tomahawk and held it for some time; that the said Bowers advised the said Searles to submit to his fate; with that the Indian gave him a second blow on the head, killed, scalped, and stripped him; during this time the said Bowers and Bradford were personally present, and being apprehensive for their own safety, that he, Bowers, ran and came up to the old chief (who sold him to this deponent and others) who took him under his protection, and was very kind to him while he remained with him. This deponent further depose, that he has reason to believe the aforesaid Bowers and Hamilton are now at Sandwich, and if applied to, they could give more ample information relative to the particulars of the aforesaid. And further this deponent saith not.

J. McDONELL.

Sworn and subscribed at my chambers, in the city of Detroit, the day and year before written.

JAMES MAY, J. P. D. D.

APPURTENANCES TO No. XXVI.

No. 1.

Note from Mr. John McDonell to James May, Esq.

DETROIT, February 4, 1813.

DEAR SIR: I had a conversation with Mr. Smart, after leaving your house to-day, who had a conversation with Bowers and Bradford. He observes that I have made several material errors in my affidavit before you this day. He says the prisoner killed was of the name of Blythe, instead of Searles; and mentioned some other errors that differ widely from what I had sworn to, so that I think it is a pity that Bowers's and Bradford's own affidavits could not be had, instead of mine. Your's,

J. McDONELL.

JAMES MAY, Esq.

No. 2.

Note from Mr. McDonell to Mr. Lyons, his Clerk.

I wish you to mention to Judge Woodward that application is made for me by a friend on the other side to remain until the navigation opens. On that account, I hope that he will keep back the deposition that I have made regarding the murders committed by the savages on the river Raisin, as he has much better testimony to substantiate facts than what I have sworn to on hearsay; and, as I am sure, if the Colonel was even disposed to hear my application, that affidavit will be enough to send me off; or, else, if I was allowed to remain, Elliott would set the Indians on me.

No. XXVII.—TRANSLATION.

TERRITORY OF MICHIGAN,

*District of Detroit, ss:*

Personally appeared before me, the undersigned, one of the justices of the peace in the district of Detroit, Antoine Boulard, of the river aux Raisins, who, being sworn on the Holy Evangelists, depose and says, that, on the next day after the last battle on river aux Raisins, he saw the Indians kill the Secretary of the American General,

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who was on the horse of the Indian who had taken him prisoner, with a rifle shot; that the prisoner fell on one side, and an Indian came forward with a sabre, finished him, scalped him, stripped him, and carried away his clothes. The body remained two days on the highway, before the door of the deponent, and was part eat up by the hogs. Afterwards, the deponent, together with François Las Lasselle, Hubert Lacroix, Charles Chovin, and Louis Lajoie, took up the corpse at dusk of the evening, and carried it into a field near the woods, where the hogs did not go. They dared not bury it, for fear of being surprised by the Indians. And further this deponent saith not.

ANTOINE BOULARD.

Sworn and subscribed in my presence, the 5th of February, 1813.

PETER AUDRAIN, *J. P. D. D.*

No. XXVIII.

I hereby certify, that the next day after the last battle on the river aux Raisins, the Secretary of the American General was taken, near the door of the deponent, was wounded, and placed on a horse; that seven or eight Indians were near the house, one of whom shot him in the head with a rifle; that he did not fall off his horse until another Indian, drawing a sabre, struck him on the head several times, and then he fell to the ground, was scalped, and stripped of his clothes, and left on the road, where he remained one day and a half. I, the deponent, with François Lasselle, Hubert Lacroix, and Lewis Chovin, on the evening of the second day, took up the body, carried it to the skirts of the woods, and covered it with a few branches, but could not stay to bury it for fear of the Indians that were in the neighborhood; and, on the next day after the last battle, I was near the house of Gabriel Godfroy, junior, and the house of Jean Batiste Jereau, where a great number of prisoners were collected; and that I heard the screaming of the prisoners whom the Indians were tomahawking; that the savages set the houses on fire, and went off.

LOUIS BERNARD dit *Lajoie*.

DETROIT, February 5, 1813.

No. XXIX.

I certify, that the bodies of the Americans killed at the battle of la Rivière aux Raisins, of the 22d of January last, remain unburied, and that I have seen the hogs and dogs eating them. The hogs appeared to be rendered mad by so profuse a diet of Christian flesh. I saw the houses of Mr. Jerome and Mr. Godfroy on fire, and have heard that there were prisoners in them. The inhabitants did not dare to bury the dead, on account of the Indians.

The inhabitants have been threatened by the Indians, if they did not take up arms against the Americans.

ALEXIS LABADIE.

MICHIGAN, February 6, 1813.

No. XXX.

This is to certify, that on or about the 28th day of January last past, an Indian woman came to my dwelling-house, on the river Rouge, and informed me that, on the morning of that day, an American prisoner had been killed in the Indian camp, and the reason she assigned for killing him was, because he had expressed a hatred for the Indians.

ROBERT ABBOTT.

DETROIT, February 8, 1813.

No. XXXI.

TERRITORY OF MICHIGAN,  
*District of Detroit, ss:*

Personally appeared before the subscriber, one of the justices of the peace in the said district, Aaron Thomas, and Agnes Thomas, his wife, who both made oath, on the Holy Evangelists of Almighty God, that the Indians have taken from the house of Mr. Attwater, on the 16th of August, 1812, one chintz gown, valued seven and a half dollars; one calico gown, valued three dollars and seventy-five cents; one calimanco petticoat, value four dollars; one pair of cotton stockings, one dollar and fifty cents; one pair of woollen stockings, seventy-five cents; one pair of silk gloves, one dollar and fifty cents; one new small trunk, two dollars; one pocket book, two dollars; thread, one dollar; needles, fifty cents; one shawl, one dollar; one cambric handkerchief, seventy-five cents; one cotton ditto, sixty-two and one-half cents; one shift, one dollar; three-fourths of a pound of pepper, fifty cents; one cake of chocolate, twenty-five cents; one fan, fifty cents; one blanket, three dollars; one cloak, ten dollars; three yards of check cotton, ninety-three and three-fourth cents; one shawl, one dollar; one flannel loose gown, three dollars. On the 12th of September, taken on river Rouge, one chesnut sorrel horse, fifty dollars; saddle and bridle, ten dollars. On Friday, the 11th of September, taken on river Rouge, one other saddle, eight dollars; one pair leather leading lines, two dollars and fifty cents; leading lines, seventy-five cents; one axe, two dollars and fifty cents; chintz patches, two dollars.

Sworn before me, at my chamber, 17th of September, 1812.

PETER AUDRAIN, *J. P. D. D.*

No. XXXII.

Letter from the Indians to the inhabitants of the river Raisin, not dated.

The Hurons and the other tribes of Indians, assembled at the Miami rapids, to the inhabitants of the river Raisin:

FRIENDS, LISTEN! You have always told us you would give us any assistance in your power.

We, therefore, as the enemy is approaching us, within twenty-five miles, call upon you all to rise up, and come here immediately bringing your arms along with you.

Should you fail at this time, we will not consider you in future as friends, and the consequences may be very unpleasant.

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We are all convinced you have no writing forbidding you to assist us.

We are all your friends at present.

ROUND HEAD.

(by an emblem resembling a horse.)

WALK-IN-THE-WATER,

(by an emblem resembling a turtle.)

No. XXXIII.—TRANSLATION.

Letter of the inhabitants of the river Raisin, dated

RIVIERE AUX RAISINS,

November 13, 1812.

SIR: In the embarrassment in which we find ourselves at present on the subject of a letter addressed to Colonel Navar, on the part of the Hurons and other savage tribes, we depute him to you to represent to you the situation of the inhabitants of the river Raisin, praying you to assist him with your advice in so delicate a matter, having, at all times, had great confidence in your great knowledge.

We have the honor to be, with profound respect, your obedient servants,

JACQUES LASSELLE,

JEAN B. JEROME,

JEAN B. BEAUGRAND,

FRANCOIS LASSELLE,

DUNCAN REID,

JEAN B. LASSELLE.

HON. JUDGE WOODWARD, *Detroit.*

Extract from the report of Ensign Isaac L. Baker, Agent for the prisoners taken after the battle of Frenchtown, January 22, 1813, to Brigadier General Winchester, dated

"BRITISH NIAGARA, Feb. 26, 1813.

"For the greatest number of our unfortunate fellow-soldiers being sent from Detroit we are indebted to the exertions of our prisoner fellow-citizens there, who, with an unexampled generosity, when they saw their countrymen driven through the streets like sheep to a market, lavished their wealth for their ransom. Nor was the procuration of our liberty all. We had been almost entirely stripped by the Indians. Clothes, such as the exigency of the occasion permitted to be prepared, were furnished us.

"On the 8th instant, Colonel Proctor ordered me to make out a return of all the prisoners who were killed by the Indians in battle, agreeable to the best information I could collect. The enclosed return, marked B, was produced by this order. I might have added the gallant Captain Nathaniel Gray; S. Hart, deputy inspector general; Captain Virgil McCrackin, of Colonel Allen's regiment; Captain John H. Woolfolk, your secretary; Ensign Levi Wells, of the 7th United States' infantry; and a number of privates, whom I find, by subsequent information, have been massacred.

"The memory of past services rendered me by Captain Hart's family made me particularly anxious to ascertain his fate. I flattered myself he was alive, and every information I could get for some time flattered my hopes. But one of the last prisoners who was brought in, told me that the

Captain was certainly massacred. He was so badly wounded as to prevent him from walking. The Indians took him some distance on a horse, but at length took him off and tomahawked him.

"About the 10th instant, an Indian brought Captain McCrackin's commission to Sandwich; the paper was bloody. The fellow said he took the Captain unhurt, but some time after, when stripping and examining him, he found an Indian scalp in his bosom, which induced him to kill him. This, you cannot but be assured, is a humbug of the fellow's own making, to screen himself from the odium of barbarity. The Captain's character, and the danger that attended his carrying such furniture in a disastrous battle, give it the lie.

"Captain Woolfolk, after having been wounded in two places, by some means had got refuge in one of the French houses on the Raisin. He was discovered next day, and dragged from his asylum. He was taken to the house of a Mr. Lasselle, where he said he would give one thousand dollars to any one who would purchase him. Mr. Lasselle said it was out of his power, but he had no doubt his brother would do it, who lived at hand. He directed his owners to the house of his brother, but as they were on their way, an Indian from a waste-house shot him through the head.

"Ensign Wells was taken by my side unhurt. I considered him as alive, until, on my arrival at this place, Captain Nags tells me he was killed by a Pottawatamy Indian, not long after he was taken.

"Many fresh scaffs have been brought in since the battle, and dead bodies seen through the country, which prove that others have been killed, whose names I have not been able to find out, independent of those reported to Colonel Proctor.

"This, sir, is all the information I have been able to collect concerning those who were massacred. The fifteen or eighteen mentioned in the remarks to the return made to Colonel Proctor, whose names do not appear, were not known by those who saw them killed.

"Major Graves, of the 5th regiment of Kentucky volunteers, I have been able to get no information of, further than that he was brought to the river Rouge, on the 25th or 26th of January, in a sleigh. I fear, from our having heard nothing of him since, that he is no more, and that valuable officer forever lost to his country.

"The dead of our army are still denied the rites of sepulture. At the time I left Sandwich, I was told the hogs were eating them. A gentleman told me he had seen them running about with skulls, arms, legs, and other parts of the human system, in their mouths. The French people on the Raisin buried Captains Hart, Woolfolk, and some others, but it was more than their lives were worth to have been caught paying this last customary tribute to mortality.

"I several times agitated the subject of burying the dead, when in company with the British officers, but they always answered, that the Indians would not suffer it."

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## B.

A return of the American prisoners who were tomahawked by the Indians subsequent to the battle at Frenchtown, January 22, 1813.

1. Pascal Hickman, Captain, 1st Kentucky volunteer rifle, January 23, in Frenchtown.

2. James E. Blythe, private, Hart's company, 5th Kentucky volunteer infantry, January 23, in Frenchtown.

3. Charles Gerles, private, Hart's company, 5th Kentucky volunteer infantry, January 23, Sandy Creek.

4. Thomas S. Crow, private, Seabree's company, 1st Kentucky volunteer infantry, January 23, three miles from Frenchtown.

5. Daniel Darnell, private, Williams' company, 5th Kentucky volunteer infantry, January 23, between Sandy Creek and Frenchtown.

6. Thomas Ward, private, Redding's company, 1st Kentucky volunteer infantry, January 23, between Sandy Creek and Frenchtown.

7. William Butler, private, Sanghorne's company, 1st Kentucky rifle, January 23, between Sandy Creek and Frenchtown.

8. Henry Downy, private, Edwards' company, 17th United States' infantry, January 24, near Brownstown.

9. John P. Sidney, Sergeant, Martin's company, 15th Kentucky volunteer infantry, January 25, River Rouge.

REMARKS.—In addition to the above number, I saw two others tomahawked at Sandy Creek myself, and find that the prisoners, now in the hospital in Sandwich, saw, say fifteen or eighteen others, treated in the same manner. Two men tell me they saw one who had the appearance of having been burned to death. Those men who saw Henry Downy and William Butler killed, tell me that the Indians left them without scalping.

ISAAC L. BAKER,

*Ensign 2d United States' Infantry.*

Colonel H. PROCTOR.

Extract of a letter from Major General Harrison to the Secretary of War, dated at the Miami Rapids, February 11, 1813.

"I have the honor to enclose to you the deposition of Medard Labbadie, who was at the river Raisin on the 22d ultimo, and remained there till the 6th instant. His account of the loss of the enemy in the action is corroborated by several others, nor is there the least reason to doubt his statement, as it regards the horrible fate of our wounded men. There is another circumstance which plainly shows that the British have no intention to conduct the war (at least in this quarter) upon those principles which have been held sacred by all civilized nations. On the 30th ultimo, I despatched Doctor McKeehan, a surgeon's mate in the militia, with a flag, to ascertain the situation of our wounded. He was attended by one of our militiamen and a Frenchman. On the night after their departure, they halted near this place for the purpose of taking a

few hours' sleep, in a vacant cabin upon the bank of the river. The carryall in which they travelled was left at the door with the flag set up in it. They were discovered by a party of Indians (accompanied, it is said, by a British officer) and attacked in the manner described in the deposition. The militiaman was killed and scalped, the Doctor and the Frenchman taken. Doctor McKeehan was furnished with a letter, addressed to any British officer whom he might meet, describing the character in which he went, and the object for which he was sent, an open letter to General Winchester, and written instructions to himself, all of which he was directed to show to the first officer he met with. He was also supplied with one hundred dollars in gold to procure necessities for the prisoners."

The affidavit of Medard Labbadie, late resident near the river Raisin, in the Michigan Territory.

He being sworn, saith, he was in his house when he heard the guns at the commencement of the action at the river Raisin, on the 22d January, 1813, between the American forces under General Winchester, and the British, Canadian, and Indian forces, said to be commanded by Col. St. George. After some little time, he heard that the Indians were killing the inhabitants as well as the Americans, upon which he went towards the scene of action, in order to save his family. As he went on, he was, with one other inhabitant, taken prisoner by two Wyandot Indians, and carried prisoner to the Indian lines, from which he saw great part of the action. The right wing of the Americans had given way before he got a sight of the action. It terminated after the sun was some hours high, not far from 11 o'clock, A. M., by the surrender of the American forces that then remained on the ground. He saw the flag hoisted by the British sent to the American forces, and saw it pass three times to the Americans before the surrender. He could not understand English, but understood that General Winchester was taken prisoner before he got to the lines of his own men; that he was compelled to carry the flag to his own forces after he was taken; that he understood the reason of the flag passing so often, was, that the Americans refused to surrender upon any other terms than that the wounded should be taken care of, the dead buried, and the inhabitants protected in their property. That the British first refused to agree to these terms, but finally did agree to them. He also understood that the loss of the British and Indians in the action was about four hundred killed. He also understood that the loss of the Americans in the action was about one hundred and eighty killed.

He knows that, on the day of the action, all the prisoners who were able to march, were marched off towards Malden, the wounded, about sixty or eighty in number, left in two houses, without any of their friends, or a physician, to take care of them, and without any British officer or men. About ten Indians remained behind upon the ground; the balance of the Indians went off with

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the British, and he was told by some of the Canadian militia, that the British had promised the Indians a frolic that night, at Stony Creek, about six miles from the river Raisin.

He was liberated after the line of march was formed for Malden. The next morning he was in the houses where the wounded were. That morning about fifty Indians returned; they brought whiskey with them; they drank some, and gave some to the Indians there, and between 9 and 10 o'clock, A. M., commenced killing the wounded, then set fire to the houses the wounded were in, and consumed them. He was at his father's, on this side of Detroit river, about seven days after the action, and saw across the river the prisoners marched off for Niagara, from Malden.

He saith that he saw taken by his house, by Captain Elliott, and nine Wyandot Indians, two men that he understood had been sent by General Harrison with a flag to the British. One of the men (Mr. Tessier) he knew, the other he did not know, but understood he was a doctor. He had not an opportunity of conversing with them, but understood from an inhabitant, to whom Mr. Tessier communicated it, that they stopped for the night and left the flag hoisted on the carryall; that the flag was taken away unknown to them, and that the Indians fired on them; that he, Tessier, told them they were Frenchmen, and surrendered, upon which the Indians ceased firing, and took them. They then mentioned they were sent with a flag. The Indians said they were liars, and took them off.

Mr. Tessier was set at liberty at the river Raisin, and remained two days expecting the doctor to return; at the end of which time, Tessier was sent for by the British, and taken to Malden. He understood that the doctor was sent off immediately to Niagara; the doctor was wounded in the ankle. He understood the British charged the doctor and Tessier with being spies. And further he saith not. **M. LABBADIE.**

Witness, C. GRATIOT,  
*Captain of Engineers, and Interpreter.*

Sworn to, before me, this 11th day of February, 1813. Camp, foot of the Miami Rapids.

C. S. TODD, *Dis. Judge Ad.*  
R. GRAHAM, *Aid-de-camp.*

HIS MAJESTY'S SHIP SAN DOMINGO,  
*Chesapeake, May 10, 1813.*

SIR: I have to acknowledge the receipt of your letter of the 8th instant, respecting a man named O'Neale, taken by the detachment from the squadron under the orders of Rear Admiral Cockburn. This man has been released upon the application of the magistrates of Havre de Grace, on parole.

I was not informed of this man being an Irishman, or he would certainly have been detained to account to his sovereign and country for being in arms against the British colors. I have, &c.

**JOHN BORLASE WARREN.**

Brigadier General MILLER,  
*Comm'g the U. S. forces, &c., Baltimore.*

NICHOLASVILLE, Ky., April 24, 1813.

SIR: Yours of the 5th instant, requesting me to give you a statement respecting the late disaster at Frenchtown, was duly received. Rest assured, sir, that it is with sensations the most unpleasant that I undertake to recount the infamous and barbarous conduct of the British and Indians after the battle of the 22d January. The blood runs cold in my veins when I think of it.

On the morning of the 23d, shortly after light, six or eight Indians came to the house of Jean Baptiste Jereame, where I was, in company with Major Graves, Captains Hart and Hickman, Doctor Todd, and fifteen or twenty private volunteers, belonging to different corps. They did not molest any person or thing on their first approach, but kept sauntering about until there were a large number collected, (say one or two hundred,) at which time they commenced plundering the houses of the inhabitants, and the massacre of the wounded prisoners. I was one among the first that was taken prisoner, and was taken to a horse about twenty paces from the house, after being divested of a part of my clothing, and commanded by signs there to remain for further orders. Shortly after being there, I saw them knock down Captain Hickman at the door, together with several others with whom I was not acquainted. Supposing a general massacre had commenced, I made an effort to get to a house about one hundred yards distant, which contained a number of wounded, but, on reaching the house, to my great mortification, found it surrounded by Indians, which precluded the possibility of my giving notice to the unfortunate victims of savage barbarity. An Indian chief of the Tawa tribe, by the name of McCarty, gave me possession of his horse and blanket, telling me, by signs, to lead the horse to the house which I had just before left. The Indian that first took me, by this time came up and manifested a hostile disposition towards me, by raising his tomahawk as if to give the fatal blow, which was prevented by my very good friend McCarty. On my reaching the house which I had first started from, I saw the Indians take off several prisoners, which I afterwards saw in the road in a most mangled condition, and entirely stripped of their clothing.

Messrs. Bradford, Searls, Turner, and Blythe, were collected around a carryall, which contained articles taken by the Indians from the citizens. We had all been placed there, by our respective captors, except Blythe, who came where we were, entreating an Indian to convey him to Malden, promising to give him forty or fifty dollars, and whilst in the act of pleading for mercy, an Indian, more savage than the other, stepped up behind, tomahawked, stripped, and scalped him. The next that attracted my attention, was the houses on fire that contained several wounded, whom I knew were not able to get out. After the houses were nearly consumed, we received marching orders, and after arriving at Sandy Creek, the Indians called a halt, and commenced cooking; after preparing and eating a little sweetened gruel Messrs. Bradford, Searls, Turner, and myself, re

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ceived some, and were eating, when an Indian came up and proposed exchanging his moccasins for Mr. Searls' shoes, which he readily complied with. They then exchanged hats, after which the Indian inquired how many men Harrison had with him, and, at the same time, calling Searls a Washington or Madison, then raised his tomahawk and struck him on the shoulder, which cut into the cavity of the body. Searls then caught hold of the tomahawk and appeared to resist, and upon my telling him that his fate was inevitable, he closed his eyes and received the savage blow which terminated his existence. I was near enough to him to receive the brains and blood, after the fatal blow, on my blanket. A short time after the death of Searls, I saw three others share a similar fate. We then set out for Brownstown, which place we reached about twelve or one o'clock at night. After being exposed to several hours incessant rain in reaching that place, we were put into the council house, the floor of which was partly covered with water, at which place we remained until the next morning, when we again received marching orders for their village on the river Rouge, which place we made that day, where I was kept six days, then taken to Detroit and sold. For a more detailed account of the proceedings, I take the liberty of referring you to a publication which appeared in the public prints, signed by Ensign J. L. Baker, and to the publication of Judge Woodward, both of which I have particularly examined, and find them to be literally correct, so far as came under my notice.

I am, sir, with due regard, your fellow-citizen,  
GUSTAVUS M. BOWER.

*Surgeon's Mate 5th Reg. Kentucky Vol.*

JESSE BLEDSOE, Esq., *Lexington.*

JESSAMINE COUNTY, to wit:

This day Gustavus M. Bower personally came before me, John Metcalf, one of the Commonwealth's Justices of the Peace, in and for said county, and made oath to the truth of assertions before stated by the said Bower. Given under my hand this 24th day of April, 1813.

JOHN METCALF.

LEXINGTON, May 2, 1813.

SIR: I received your letter sometime since, relative to the disastrous affair of Frenchtown, of 22d and 23d January last. For the particulars of the action, and the terms of capitulation, I refer you to the official report of General Winchester, which is correct as far as came within my knowledge. After the capitulation, I was introduced to Colonel Proctor, the commander of the British forces and Indians, as one of the surviving surgeons, and by him was requested to attend to our wounded who were left on the ground where the action was fought. I willingly acquiesced, and Doctor Bowers, my mate, remained with me: at the same time I informed Colonel Proctor of my apprehensions for the safety of the wounded and the surgeons; he replied, "be under no appre-

hensions, you will be perfectly safe, I will place you under the special care of the chiefs until morning, and very early I will send conveyances for the wounded and yourself to Amherstburg." Shortly after, I was requested to ascertain the number and rank of the wounded, and in so doing was assisted by a British officer, (whose name I did not know,) to whom I likewise communicated my apprehensions of safety; he manifested some irritation at my doubts of British honor and magnanimity, and assured me protection would be afforded me. While engaged in this business, one of the rooms occupied by the wounded was crowded with the Indians who were peaceable, but one of them, who could speak English, admonished the British officer of the propriety of stationing interpreters in the houses. Upon my return from this business to the room I occupied, and which was set apart for the wounded officers, I met, and was made acquainted with, Captain Elliott, at present a British officer, who had visited Captain Hart, then wounded. Captain Hart was solicitous to be removed that evening, and Captain Elliott replied, if it was possible (and every exertion should be made) he should, and if it could not be effected that evening, early in the morning he would call for him in his own train (sleigh) and convey him to his own house in Amherstburg, where he should remain until recovered, assuring him repeatedly no danger was to be apprehended, and, if possible, he would remain with him that night.

In the afternoon Captain Elliott and every British officer left the encampment, leaving behind three interpreters. From the repeated assurances my apprehensions were quieted; for who could doubt? About one hour before daylight (for my duties required my attention nearly all the night) the interpreters suddenly disappeared. About an hour after daylight the Indians began to collect in the town, and commenced plundering the houses in which the wounded were placed, and then stripped them and myself of our clothing. At this time the room I had occupied was so crowded with Indians, and Captain Hart's wound, already painful, being injured by them, I conveyed him to an adjoining house which had been plundered and was empty, where I met the Indian, (who, on the preceding day, had requested that interpreters should be left,) and he knew my rank. He inquired why the surgeons were left, and why the wounded were left? I replied, it was the wish of Colonel Proctor we should remain until he could send for us; and Captain Hart informed him Captain Elliott was a friend of his, and was to call for him that morning. He shook his head significantly, and replied they were damned rascals, or we would have been taken off the preceding day. The Indian informed me every individual would be killed, and requested me to be quiet, for the chiefs were then in council, and "may be" only the wounded would be killed. Captain Hart offered him \$100 to take him to Malden. He replied, you are too badly wounded. While we were conversing, one of the wounded was tomahawked at our feet.



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Shortly after the Indian returned and told me I was a prisoner, and must go. I was taken by the Indian to the house I had left, and there discovered that Captain Hickman and two others had, in my absence, been tomahawked, scalped, and stripped. I was tied and taken by this Indian towards Malden about four miles, when I came to the encampment of the British wounded, and met with Captain Elliott and the surgeon of the 41st regiment. Captain Elliott immediately recognised me, and inquired the cause of my situation. I informed him what had taken place, and requested him to send back immediately; that some who were badly wounded might still be alive, and could be saved, and particularly named Captain Hart, for whom he manifested much friendship. Captain Elliott replied, it is now too late; you may rest assured that those who are once taken by the Indians are safe, and will be taken to Malden, and those who are badly wounded are killed ere this. I replied, many are unable to walk, and some will be killed after making an effort, and walking several miles, who might be saved. To which he replied, charity begins at home; my own wounded are to be conveyed first, and if any sleighs remain they shall be sent back for your wounded. My anxiety to get some person to return, in hopes of saving some of the prisoners, induced me at length to make an appeal to their avarice. The surgical instruments of the detachment were left in the room I occupied, and I informed the surgeon of their value and importance at that time; he immediately despatched an interpreter for them, who returned with the information that they were destroyed in the burning of the house, and gave additional confirmation of the massacre of the wounded. I was released from the Indians by Captain Elliott and the surgeon. At this time my brother, who was wounded, and several others, were in possession of the Indians, who were taking them towards Malden. I requested their release, and permission for them to accompany me on foot under British protection. Captain Elliott told me it was impossible, and to be under no fears, they were safe; for he knew the fidelity of the Indians with whom they were. When the intelligence of the massacre was by me communicated to Captain Elliott and the surgeon, they appeared much exasperated, and declared it was impossible to restrain the savages. The cause he then assigned to me was, that when the Indians discovered their loss in killed and wounded, and that of the British, they started off towards our wounded, declaring they would have satisfaction, and, he continued, I was fearful of the event. During the plunder and the massacre our wounded conducted themselves with the utmost composure and resignation, and made no resistance, which they knew would be fruitless, and destruction to all.

It was asserted by Colonel Proctor, in a conversation at Amherstburg, that the Indians had got some whiskey in the house where we were stationed, and had become intoxicated. That the Indians may have had some whiskey I shall not

deny; but I think I can safely say, that they did not procure it there, and that was not the cause of the massacre; for, on the preceding days, and subsequent to the action of the 18th, I wanted some spirits, and made application to the house-keeper, who assured me there was none about the house, for it was all consumed by the British and Indians, who had quartered in the house prior to the action of the 18th; besides, the Indians showed no manifestation of drunkenness; their deliberate pilfering, and their orderly conduct throughout, was not such as would be expected from drunken Indians.

Upon my arrival at Malden, I was again solicited to take charge of the wounded; the surgery was opened to me, and I had the use of the medicines and dressings necessary, and they had as comfortable rooms as could be procured. During our stay in Malden some eight or ten of the wounded were brought in by the Indians; several made their escape who were doomed to massacre, and found protection with the inhabitants of the Territory, who brought them into Malden; and several made their escape, wandered in, and delivered themselves up at the fort. Prior to our leaving Malden one poor fellow was brought in scalped alive by the Indians, and delivered up to the British; but before I reached him death put an end to his sufferings. I frequently, and on every occasion, urged the British officers to exert themselves and procure the release of the wounded from the Indians, urging the necessity of having their wounds dressed. In a conversation on this subject with Captain Elliott, and while urging it, he replied, the Indians are excellent surgeons. The prisoners were all marched off to Sandwich, after remaining a few days at Malden, and I was called upon to know how many from their wounds were unable to march, who had sleighs furnished them, which was the case during the march to Fort George. Before I conclude, I must say, that the terms of capitulation were violated in every particular by the enemy. The wounded were not protected; private property was not held sacred; and our side arms were not restored. With a few exceptions, I was treated respectfully by the British officers, save the abuse which was lavished on my Government, and that was by no means sparingly bestowed.

I am, respectfully, yours, &c.

JOHN TODD, M. D.,

*Late surg. 5th reg't Kentucky vol. militia.*  
HON. JESSE BLEDSOE.

THE COMMONWEALTH OF KENTUCKY,

*Fayette County, ss:*

This day Doctor John Todd came before me, John H. Morton, a Justice of the Peace for said county, and made oath, that the facts stated in the foregoing letter are substantially true, to the best of his knowledge. JOHN H. MORTON.

STATE OF KENTUCKY,

*Pendleton County, in town of Falmouth:*

On the 21st day of April, 1813, I, John Dawson, an orderly sergeant in Captain Glave's com-

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pany of the first regiment Kentucky volunteer militia, being detailed off, and attached to Captain Wriël Seabrees' company, and was in the battle of the 18th of January, and did not receive a wound, but on the 22d, about 9 o'clock, received a shot under the right arm, which lodged between the ribs. After the capitulation of our troops, there came a paymaster of the British army in the house where I was, to take the number of wounded that was in the house. I asked, what was to be done with us? he replied, "don't make yourself uneasy about that, you shall be protected this night by a strong guard which shall be left with you." But, to my sad misfortune, I found there were but three interpreters left, and in the night an officer took two of them away, and in the morning the other one said he could not talk Indian. So when the Indians came in the morning they broke open the doors of the houses, began to tomahawk, scalp, and plunder, then set fire to the houses which contained the prisoners; with this I got up, put on my great coat, put up my knapsack, and went out of doors. I had not been out more than one minute before an Indian came up to me and took the coat off my back; also another Indian told me to put my knapsack in his sled. At this time Major Graves and Captain Hart were out in the yard. I heard Captain Hart make a bargain with an Indian to take him to Malden, which the Indian agreed so to do, for the sum of one hundred dollars. I saw the Indian put a pair of socks on Hart, and put him on a horse; this was the last I saw of Hart. I then saw a man riding, whom I thought was a British officer. I made up to him, but found that he was an Indian who was aid-de-camp to General Roundhead; he had with him, when I came up, twelve men. It was at the mouth of a lane where I overtook him, where there were two Indians scalping two men; he hallooed to them to give way; they did so. After this we went on; and on Sandy Creek, about three miles from the battle ground, I saw Major Graves in an Indian sleigh; this is the last account of him that I could ascertain. We went on that night to Brownstown, and in the morning of the 24th a man gave out walking, with the rheumatic pains, who was by the name of Downey. The Indians tomahawked him, and then stripped him. We then marched on above Detroit, on the river Rouge. I staid with them seven days. They then took me into Detroit, (leaving a young man in the camp by the name of John Davenport,) and sold me to Major Muir, who commands Fort Detroit. I then was sent over to Sandwich; there I stayed until the 8th of February; they marched me to Fort George, and — me on the 19th of February, 1813. The above is a true statement, as far as I saw, though I saw numbers massacred that I did not know.

During my confinement with the Indians, whilst at their camps, they showed more humanity than the British.

Given under my hand, this 21st day of April, 1813.

JOHN DAWSON.

## PENDLETON COUNTY, ss:

I, William Mountjoy, one of the Commonwealth's Justices of the Peace for the State of Kentucky, in and for said county, do certify, that the foregoing certificate of John Dawson was written, subscribed, and sworn to before me.

Given under my hand, this 21st day of April, 1813.

WILLIAM MOUNTJOY.

## STATE OF KENTUCKY,

*Pendleton County, in town of Falmouth:*

On the 21st day of April, 1813, I, Thomas Pollard, a private of Captain Glave's company, of the first regiment of Kentucky volunteer militia, was in battles, fought with the British and Indian army on the 18th and 22d of January last, at the River Raisin, and after the surrender of our army as prisoners of war on the 22d, upon the assurances of the British officers, promising protection to my wounded fellow-soldiers, and that they would send carryalls for them the next day. Although I had received no injury in either of the actions fought on the 18th and 22d, I voluntarily stayed to assist and comfort my messmates, John Dawson, Albert Ammerman, and Jesse Green, all of whom had received wounds by balls.

I have first examined the statement made and sworn to by John Dawson, hereto annexed, and witnessed every circumstance therein stated to be truly stated, within my own knowledge. The Indian who bargained with Captain Hart to take him to Fort Malden for one hundred dollars, and took charge of him, put him on a horse and started on his way, spoke good enough the English tongue for us to understand the contract.

THOMAS POLLARD.

## PENDLETON COUNTY, ss:

I, William Mountjoy, one of the Commonwealth's Justices of the Peace for the State of Kentucky, in and for said county, do certify, that the foregoing certificate of Thomas Pollard was subscribed and sworn to before me.

WM. MOUNTJOY.

## STATE OF KENTUCKY,

*Pendleton County, in town of Falmouth:*

On the 21st day of April, 1813, I, Albert Ammerman, a private of Captain Glave's company, of the first regiment of Kentucky volunteer militia, being wounded in the battle of the 18th January last, at the River Raisin, by a ball in the flesh of the thigh; and from the window of the house which was appropriated for an hospital, was a witness to the battle of the 22d of the same month. And after the surrender, I being but slightly wounded, proposed marching with the rest of the prisoners, and was prevented by the order of a British officer, who said that a guard would be left to take care of the wounded, and carryalls would be sent for them to ride into Malden on the next morning. But to my astonishment no guard was left, and, about sunrise on the morning of the 23d, a party of Indians returned

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to the hospital, and the first Indian that came to the room I was lodged in could speak the English language. He was asked by one of the wounded, what was to be done with the wounded. He replied they were all to be killed that could not walk; and shortly after a general massacre commenced. I instantly put on my knapsack and went out of the house; my knapsack was demanded by an Indian at the door, to whom I gave it. He conducted me to a log some little distance from the house, on which I sat down, where I witnessed the butchery of many of my fellow-citizens, sufferers by the tomahawk and scalping knife, and, to finish the scene, set fire to the houses occupied by the wounded prisoners; many of them, struggling in the arms of death, put their heads out of the windows whilst enveloped in smoke and flames. After this bloody work was finished, I was marched off in the direction towards Brownstown, by an Indian, and when about half a mile from Frenchtown on our way, was overtaken by two Indians who had Captain Hart in custody, mounted on a horse. As they approached nearly to us, I noticed they were speaking loud and animated as if in a quarrel, but, not understanding their language, did not understand what passed between them, but think it was probable that the quarrel was occasioned respecting one hundred dollars which I understood Captain Hart had given to one of the Indians aforesaid to convey him to Fort Malden. The quarrel appeared to grow very warm, so much so, that the Indians took aim at each other with their guns; and, as if to settle the dispute, it appeared to me as if they had mutually agreed to kill Captain Hart, and plunder him of the rest of his money and effects, which they did, by taking him off his horse, then knocked him down with a war club, scalped and tomahawked him, and stripped him naked, leaving his body on the ground. I was gratified in observing that, during this scene of trial, Captain Hart refrained from supplication or entreaty, but appeared perfectly calm and collected. He met his fate with that firmness which was his particular characteristic. No other prisoner of our army of the United States was present to witness this melancholy scene—the death of Captain Hart. During my captivity with the Indians, five days only, I was treated with more hospitality than I had any reason to expect; much more so than I experienced from the British, after I was ransomed at Detroit, by Mr. Benjamin Chittenden, who will ever be entitled to my utmost gratitude; by him I was humanely treated, and also by some of the French Canadians.

his  
ALBERT + AMMERMAN.  
mark.

## PENDLETON COUNTY, ss :

I, William Mountjoy, one of the Commonwealth's Justices of the Peace for the State of Kentucky, in and for said county, do certify, that the foregoing certificate of Albert Ammerman was subscribed and sworn to before me.

Given under my hand, this 21st day of April, 1813.

WM. MOUNTJOY.

LEXINGTON, April 13, 1813.

SIR: You request of me a statement of facts, within my own knowledge, concerning the murder of our men after the battle and surrender at Frenchtown.

I was one of those who was taken by the Indians on the retreat, about one and a half miles from where the action first commenced. Just before we were taken, with the assistance of Lieutenant Chinn, belonging to the militia, I formed between fifteen and twenty men. I then discovered the Indians running upon us on each side and in front, about sixty in number, with their arms at a trail. I discovered there was no chance to repel them. I ordered the men to ground their arms, which was done; the Indians then came up and secured the arms of our men, and shot them, including the Lieutenant before mentioned. I was the only one saved. I was taken and delivered up to Captain Elliott, a British officer.

As to the murder of the wounded, I know nothing of my own knowledge.

Your obedient servant,

A. GARRETT.

HON. JESSE BLEDSOE.

## FAYETTE COUNTY, ss :

This day, Lieutenant Ashton Garrett, of the 17th regiment United States' infantry, came before me, and made oath, that the foregoing statement is just and true to the best of his knowledge and belief.

Given under my hand, this 13th day of April, 1813.

JOHN H. MORTON, J. P.

## STATE OF KENTUCKY,

*Fayette County, ss :*

Personally appeared before me, a justice of the peace for the county aforesaid, Charles Bradford, an inhabitant of the town of Lexington, State of Kentucky, who, being duly sworn on the Holy Evangelists, deposeth and saith, that he was in the actions at the river Raisin, on the 18th and 22d January last; that he was wounded in the right hip, and remained at Frenchtown after the capitulation; that, on the 22d, before the prisoners (who were able to walk) were marched for Malden, he saw Captain William Elliott, with whom he had been formerly acquainted, and of whom he inquired, personally, what would be done with the wounded prisoners? whether they would be taken to Malden that evening with the other prisoners, or not? He said they would not be taken to Malden that evening, but a strong guard would be left to protect them against any outrage the Indians might be disposed to commit. Elliott had a similar conversation with Major Graves, Captains Hart and Hickman, and Doctors Todd and Bowers; in the presence of this deponent. He, Elliott, further stated that sleighs would be sent to convey the wounded to Malden the next

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morning. This deponent further says, that the British marched away; no guard was left to protect the wounded; and that Captain Elliott, when asked the reason, observed that some interpreters were left whose influence among the Indians was greater, and that they were better able to protect us than a guard. About two or three o'clock in the morning of the 23d January, this deponent discovered that the interpreters had left the house in which he was, and he never saw them afterwards; that between day-light and sun rise, on the 23d, he saw a large number of Indians come to the house; they burst open the door, and in a few minutes commenced plundering the prisoners, and tomahawking those who were unable to walk. This deponent left the house as soon as possible, and went into the yard, where a number of his fellow-prisoners had assembled. He was there claimed as a prisoner by an Indian, who gave him some articles to hold whilst he plundered more. At this time he was standing with Doctor Bowers, and James E. Blythe, when an Indian, without any provocation, tomahawked Blythe, and scalped him. Shortly after, they (the Indians) set fire to the houses in which the wounded had been quartered, and burnt them down, with the bodies of those whom they had murdered. This deponent was then taken by the Indians, in company with Doctor Bowers, Charles Searls, Julius Turner, and several others, to Sandy Creek; that on the way he saw a number of the prisoners who had been tomahawked; that, whilst at Sandy Creek, they murdered Charles Searls, Thomas S. Crow, and three or four others. That this deponent was then packed with forty or fifty pounds weight, and taken to the river Rouge, where the Indians had encamped; that, whilst he was there, he inquired of an Indian whether he would take him to Malden, as he wished to be given to Captain Elliott. The Indian said, if Captain Elliott told him to do so he would, as they always did as he requested them. This deponent was six days with the Indians before they took him to Detroit, where he was purchased by Stephen Mack and Oliver W. Miller, for eighty dollars. That the British officer commanding at Detroit (Major Muir) again claimed him as a British prisoner, notwithstanding his having just been ransomed from their allies (by his own countrymen) and sent him to Sandwich, where he remained until the 9th or 10th February, when he was sent to Fort George, and there paroled. This deponent states, that, while a prisoner at Sandwich, he was several times treated insultingly by the British officers, and by one John McGregor; that the citizens, generally, treated the prisoners with kindness and attention as far as was in their power.

This being the first opportunity the deponent has had of expressing his gratitude to the American citizens who treated the prisoners with so much friendship and humanity at Detroit, cannot refrain from so doing; and, as long as he lives, the names of Messrs. Mack, Miller, Smart, Woodward, Williams, McDonald, Hunt, Mays, &c., shall never be forgotten. C. BRADFORD.

Sworn and subscribed to before me, this 29th day of April, 1812.

OLIVER KIEN, J. P.

UNITED STATES' SHIP MADISON,  
*Sackett's Harbor, June 4, 1813.*

SIR: I have the honor to present you, by the hands of Lieutenant Dudley, the British standard taken at York on the 27th of April last, accompanied by the mace over which was hung a *human scalp*.

These articles were taken from the Parliament House by one of my officers, and presented to me. The scalp I caused to be presented to General Dearborn, who I believe still has it in his possession. I also send, by the same gentleman, one of the British flags taken at Fort George on the 27th of May.

I have the honor to be, very respectfully, sir, your most obedient, humble servant,

ISAAC CHAUNCEY.

Hon. W. JONES,

*Secretary of the Navy, Washington.*

A true copy from the original filed in the Navy Department, July 22, 1813. W. JONES.

No. 9.

*Outrages at Hampton, in Virginia.*

Extract of a letter from General Taylor to Admiral Warren, dated

HEADQUARTERS, NORFOLK, June 29, 1813.

"I have heard with grief and astonishment of the excesses, both to property and persons, committed by the land troops who took possession of Hampton. The respect I entertain for your personal character leads me to make known these excesses. It would not become me to suggest what course of inquiry and punishment is due to the honor of your arms. But the world will suppose those acts to have been approved, if not excited, which are passed over with impunity. I do not, however, deprecate any measures you may think necessary or proper, but am prepared for any species of warfare which you may be disposed to prosecute. It is for the sake of humanity I enter this protest.

"We are, in this part of the country, merely in the noviciate of our warfare. The character it will hereafter assume, whether of mildness or ferocity, will materially depend on the first operations of our arms, and on the personal character and dispositions of the respective commanders.

"For myself, I assure you most solemnly, that I neither have authorized, nor will sanction, any outrage on humanity or the laws of civil warfare. On the contrary, I think it due, no less to my personal honor than to that of my country, to repress and punish every excess. I hope that these sentiments will be reciprocated. It will depend on you whether the evils inseparable from a state of war shall, in our operations, be tempered by the mildness of civilized life, or, under your authority, be aggravated by all the fiend-like passions which can be instilled into them.

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H. B. M. SHIP SAN DOMINGO,  
Hampton Roads, June 29, 1813.

SIR: I have to acknowledge the receipt of your letter of this day, stating that you had communicated to your Government the proposal of an exchange of prisoners, and, also, that some excesses had been committed by the troops in the late affair at Hampton. I have communicated to my friend, Sir Sidney Beckwith, the commander of His Majesty's forces on shore, this part of your letter, and he will have the honor of writing to you upon the points to which it alludes.

I beg leave to assure you that it is my wish to alleviate the misfortunes of the war commenced against my country, by every means in my power; at the same time, I am prepared to meet any result that may ensue between the two nations.

I have the honor to be, sir, your most obedient faithful humble servant,

JOHN BORLASE WARREN,  
*Admiral of the Blue, &c.*

Brigadier General TAYLOR,  
*Commanding U. S. forces at Hampton.*

A true copy.

JAMES MAURICE,  
*Major, Acting A. A. G.*

H. M. SHIP SAN DOMINGO,  
June 29, 1813.

SIR: Admiral Sir John B. Warren having communicated to me the contents of your letter, I lose no time in assuring you that your wish cannot exceed mine to carry on war with every attention to the unfortunate individuals in whose immediate vicinity military operations may take place. In this spirit I shall vie with you to the utmost. At the same time, I ought to state to you that the excesses of which you complain at Hampton were occasioned by a proceeding of so extraordinary a nature, that, if I had not been an eye-witness, I could not have credited it. At the recent attempt on Craney island, the troops in a barge sunk by the fire of your guns, clung to the wreck of the boat. Several Americans, I assure you most solemnly, waded off from the island, and, in the presence of all engaged, fired upon and shot these poor fellows. With a feeling natural to such a proceeding, the men of that corps landed at Hampton.

That occurrences of that kind may never occur again, and that the troops of each nation may be guided by sentiments of honor and humanity, is the earnest wish of, sir, your very obedient servant,

SIDNEY BECKWITH,  
*Quarter Master General.*

To Brigadier General TAYLOR,  
*Commanding U. S. Troops, Norfolk.*

A true copy.

JAMES MAURICE,  
*Major, Acting A. A. G.*

HEADQUARTERS, NORFOLK, July 1, 1813.

SIR: It affords me the highest satisfaction to receive your assurance that you wish "to carry

on war with every attention to the unfortunate individuals in whose immediate vicinity military operations may take place." Such sentiments can alone give splendor to courage, and confer honor on military skill. Worthless is the laurel steeped in female tears, and joyless the conquests which have inflicted needless woe on the peaceful and unresisting. The frankness with which you admit the excesses at Hampton is a guarantee against the repetition.

I cannot doubt, sir, your conviction that the scene described by you at Craney island was really acted; but, the very reason it appeared to you incredible and inhuman, it should have been unauthorized. Your own perception of propriety shall decide, if facts should not have been ascertained, and redress demanded, before retaliation was resorted to—a retaliation, too, extravagant in its measure, applying not to the perpetrators of the alleged offence, or their comrades, but to the innocent and helpless. I have reason to think that you are mistaken in your impressions of the conduct of our troops at Craney island. That they waded into the water on the sinking of your boat is true; but I learn that it was for the purpose of securing their conquest, and assisting the perishing. One person (perhaps more) was shot, but it was only for a continued effort to escape, after repeated offers of safety on surrender: such, at least, is the representation made to me. If, however, your yielding troops have been butchered, it is due to the honor of our arms to disclaim and punish the enormity. The fame of my country shall never be tarnished by such conduct in the troops under my command. I have to-day ordered an inquiry into the facts, by a board of field officers. Proper measures shall be taken to punish whatsoever of impropriety may have been committed. I flatter myself you will perceive in these measures a disposition to afford no cause of reproach in any future conflict. When we meet, let us combat as soldiers, jealous of the honor of our respective countries, anxious to surpass each other as well in magnanimity as in courage.

Accept, sir, the assurance of my consideration and respect.

ROBT. B. TAYLOR,  
*Brig. Gen. Comm'g.*

Sir SIDNEY BECKWITH,  
*Quartermaster General, &c.*

A copy. JOHN MYERS, *Aid-de-Camp.*

Extract of a letter from Brigadier General Taylor to the Secretary of War, dated

NORFOLK, July 2, 1813.

I enclose, as was promised yesterday, copies of the letters written to Admiral Warren and General Beckwith. My aid, who carried them down, yesterday, brought back a letter from Admiral Warren, of which a copy is enclosed, and has made a statement of what occurred in his conference with the General.

The letter of the Admiral, though polite, is certainly not responsive to anything which has occurred, and the conversation with the General, though equally civil, is obviously designed to

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prevent any further discussion of the subject. From the report of prisoners and deserters, there is too much reason to believe that, before the attack on Craney island, the cupidity of the troops had been excited by a promise of the pillage of Norfolk. To inflame their resentment, after their failure, and to keep alive the hope of plunder at Norfolk, there is much reason to fear that our troops have unmeritedly been charged with misconduct at Craney island, and that made a pretext for their excesses and their conduct at Hampton. I entertain no doubt of the justification of the honor and magnanimity of our men, by the reports of the board of officers. I do not mean that the subject shall drop, but when I communicate the report, I shall leave the British commander the alternative, either of adopting similar measures in his own army, or remaining under the imputation of having excited their troops to commit these excesses. Our troops are highly inflamed.

Notes for Captain Myers in his interview with Admiral Warren.

A defenceless and unresisting town has been given up to indiscriminate pillage, though civilized war tolerates this only as to fortified places, carried by assault, and after summons.

Individuals have been stripped naked; a sick man stabbed twice in the hospital; a sick man shot, at Pembroke, in his bed, and in the arms of his wife, long after the defeat of the troops; his wife also shot at, and wounded—a Mr. and Mrs. Kirby.

Females have been not only assaulted, and personally abused and struck, but even violated.

If occasion offers, notice may be immediately made of the information, given by prisoners and deserters, of the promise to plunder Norfolk.

As to the imputation of our troops at Craney island, if Admiral Warren should mention it, deny the fact, and state the actual conduct of our troops, in going into the water to assist their men, and then giving them refreshments as soon as they entered the fort. Refer to the conduct of all our prisoners, particularly those taken from the boats of the Victorious.

JOHN MYERS,  
*Captain and Aid-de-Camp.*

HEADQUARTERS, NORFOLK, July 2, 1813.

SIR: In obedience to your orders I proceeded, yesterday, with a flag of truce, to Admiral Warren, in Hampton Roads, to whom I handed both the despatch for himself and that for Sir Sidney Beckwith. The Admiral received me with civility, and with many acknowledgments for the terms of your letter. Sir Sidney was on shore at Old Point Comfort. Feeling some difficulty about the propriety of delaying on board for his arrival, I was about to depart, but Admiral Warren expressed a wish that I would remain, saying that he would desire, no doubt, to give a reply.

Sir Sidney did not arrive till 8 o'clock. He

expressed great respect for the motives that had actuated you, sir, in the measures which you were pursuing. They were more than he desired. It was sufficient, he said, if your own mind was satisfied. He expressed regret at the trouble you had taken, and much deference for your character, with a resolution to vie with you in efforts to confine future operations within the bounds of humanity, and the usages of war. He said, in allusion to the pretended conduct of our men at Craney island, that it proceeded no doubt from a few of the more disorderly. I denied the charge altogether, as I had done in my previous interview, when it was made the justification of their outrages at Hampton, on the ground of retaliation.

I found that it was not his intention to give to your despatch a written reply. By the light manner in which he glanced at the subject of your investigation, I could perceive that it was pressed further than was desirable to him. It was my wish, however, to be able to report to you the probability of a like course of inquiry on his part, and I enumerated the catalogue of abuses and violence at Hampton. I mentioned the pillage of the town, and the wanton destruction of medicine; that individuals had been stripped naked; a sick man stabbed twice, who was in the hospital; a sick man shot in his bed, at Pembroke, and in the arms of his wife, who was also shot at, and wounded, long after the defeat of the troops—a Mr. and Mrs. Kirby; and finally, the assault on females, their being struck, and personally abused, and even violated.

At the mention of the murder of Kirby, and the wound given to his wife, Sir Sidney distinctly admitted it; the others he appeared not to be acquainted with the particulars of, and expressed some concern at it. He said that he had, however, on coming to a knowledge of their conduct, immediately ordered the embarkation of the troops that were concerned, with a determination that they should not again land; and that, while he was unable to control a past event, the responsibility of a recurrence should rest on himself; that the troops under his command were strangers to him, on his arrival here, and appealing to my knowledge of the nature of the war in Spain, in which these men (meaning the French corps) he said had been trained, told me they could not be restrained.

Thus far he thought he could not give a more convincing proof of the sincerity of his professions, than in the withdrawal of these troops, and that he had, moreover, just been employed in finding a new watering place on Back river, in order to remove from Hampton, and to quiet the minds of the inhabitants.

He assured me that in making such a pledge, as he was doing, it should not be lightly regarded. That he would either send away these troops, or wait the arrival of others, for new operations. He concluded by expressing a hope that you, sir, would in future use no reserve in communicating any subject of impropriety; and, on his part, that he should certainly do so, with due regard to the



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liberality of your conduct. He hoped the subject was at rest. I took my leave.

I have the honor to be, very respectfully, your most obedient servant,

JOHN MYERS.

*Captain and Aid-de-Camp.*

Brig. Gen. ROBERT B. TAYLOR, *Norfolk.*

Extracts of a letter from General Taylor to Sir Sidney Beckwith, Quartermaster General, commanding the land forces of his Britannic Majesty, at Hampton Roads, dated

HEADQUARTERS, *July 5, 1813.*

"I have now the honor to transmit to you the proceedings of the board of officers convened to inquire into the transactions at Craney island. They doubtless will convince you that, in that affair, the American troops merited no censure; that their conduct was distinguished by humanity and magnanimity; and that the distance to which you were removed from the scene, by rendering it impossible that you could be informed of the motives of their conduct, unhappily led you to draw conclusions equally mistaken and unmerited.

"You have done me the justice to declare that the measures pursued by me evince a disposition to permit, in my troops, no abuses on humanity, or the laws of authorized war. As I cannot doubt the existence of similar sentiments with you, I have a right to expect, on your part, measures equally decisive and unambiguous. If I have deemed it needful to forbid openly, to my whole army, all acts of impropriety, and to direct a public investigation of charges believed to be unmerited, but having the sanction of your imputation, I put it to your candor to determine, if excesses in your troops, admitted by yourself, and some of them of the most atrocious character, should pass unnoticed. My conduct, and your declarations, give me a claim to ask that these excesses be punished. Your army will then learn the abhorrence you feel for such acts, and be restrained, by the fear of your indignation, from similar outrages. But if these admitted excesses are passed by, the impunity of the past will be construed, by your troops, into an encouragement of future outrages, and your own humane intentions be completely defeated. Neither can you be unmindful of the propriety of taking, from my army the pretexts for impropriety, by a knowledge of effectual restraints on yours.

"I am fully impressed with the liberality of your conduct in promising to remove the troops who committed the outrages of Hampton from the opportunity of repeating these enormities. But, besides that my confidence in the gallantry of the American troops forbids me to desire any diminution of your force, and such a measure being liable to misconception, by our own troops, might not attain your object. The rank and file of an army seldom reason very profoundly, and however erroneously, might ascribe their withdrawal to the desertions which have, on every opportunity, taken place in that corps, and in their unwillingness, if any should have been dis-

played, to fire on the American troops. If this should unfortunately be the case, your force will be diminished, without securing the great ends of discipline and humanity for which you had, with so much liberality, made the sacrifice. I am the more pressing on this subject, because I have reason to believe that, even since your assurance, though unquestionably against your wishes, very improper acts have been committed by the troops on James river. The domestic property of peaceable private citizens, respected by all civilized nations, has been pillaged, and what furnished no allurements to cupidity has been wantonly defaced and destroyed.

"If such acts are either directed, or sanctioned, it is important to us, and to the world, to know what species of warfare the arms of Great Britain mean to wage. If authorized, it will be of little practical avail to know, that the director of these arms entertains the most liberal personal dispositions, while these dispositions remain dormant and inoperative.

"If I am troublesome on this subject, charge it to my anxious desire that nothing may occur to embitter our own feelings, and those of our respective nations. In the progress of the war, charges of inhumanity have unhappily been frequent and reciprocal. I am not indifferent to the infamy which such a charge fixes on the officer, who either encourages or permits it. I derive the highest satisfaction from the assurances you have given of similar sentiments. We have, sir, become enemies, by the sacred obligations we owe our respective countries. But, on the great and expanded subject of human happiness, we should be friends by the sympathy of our feelings. Let us then cordially unite, and exercising effectually the powers with which our Governments have invested us, give to our warfare a character of magnanimity, conferring equal honor on ourselves, and on our countries."

Extract from General Orders.

NORFOLK, *July 1st, 1813.*

*Assistant Adjutant General's Office.*

The General commanding has deemed it proper to remonstrate against the excesses committed by the British troops who took possession of Hampton. It has been attempted to justify, or palliate, these excesses, on the ground of inhumanity in some of the troops at Craney island, who are charged with having waded into the river, and shot at the unresisting and yielding foe, who clung to the wreck of a boat which had been sunk by the fire of our guns.

Humanity and mercy are inseparable from true courage, and the General knows too well the character of the troops under his command to doubt their magnanimity towards an unresisting foe. It is equally due to the honor of the troops engaged, and to the hitherto unquestioned fame of the American arms, for honor and clemency, that the imputation should be investigated. If the charge be well founded, the army must be purified by punishment for this abomination. If,

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as the commander hopes and believes, the conduct of our troops has been misconceived, the world should have an authentic record to repel the imputation.

He, therefore, directs that a board of officers, to consist of Colonel Freeman, President, Lieutenant Colonels Boykin, Mason, and Read, do convene the day after to-morrow, at a place to be appointed by the President, for the purpose of investigating these charges, and report accordingly.

**JAMES MAURICE,**  
*Major, Act. Ast. Ad. Gen.*

The evidence having been gone through, the Board, after deliberate and mature consideration, do pronounce the following opinion:

That it appears, from the testimony adduced, that, on the 22d of last month, in the action at Craney island, two of the enemy's boats, in front of their line, were sunk by the fire of our batteries; the soldiers and sailors who were in those boats were consequently afloat, and in danger of drowning; and being in front of the boats which were uninjured, to disable these, our guns were necessarily fired in a direction of the men in the water, but with no intention whatever to do them further harm, but, on the contrary, orders were given to prevent this by ceasing to fire grape, and only to fire round shot. It also is substantiated, that one of the enemy, who had apparently surrendered, advanced towards the shore, about one hundred yards, when he suddenly turned to his right, and endeavored to make his escape to a body of the enemy who had landed above the island, and who were then in view; then, and not till then, was he fired upon, to bring him back, which had the desired effect, and he was taken unhurt to the island.

It further appears, that the troops on the island exerted themselves in acts of hospitality and kindness to the unresisting and yielding foe.

"Therefore, the Board do, with great satisfaction, declare, as their unbiassed opinion, that the charge alleged against the troops is unsupported, and that the character of the American soldiery, for humanity and magnanimity, has not been committed, but, on the contrary, confirmed."

**CONSTANT FREEMAN,**

*Colonel Artillery, President.*

**ARMISTEAD T. MASON,**

*Lieut. Colonel, commanding 5th Reg. Inf.*

**FRANCIS M. BOYKIN,**

*Lieut. Colonel, commanding 3d Reg. Inf.*

**THOMAS READ, JUN.,**

*Lieut. Colonel, commanding Artillery.*

**JOHN BARBER, Recorder.**

A true and correct copy.

**JAMES MAURICE,**  
*Major, Act. Ast. Ad. Gen.*

Copy of a note from Sir Sidney Beckwith to General Taylor, dated, His Majesty's ship San Domingo, July 6, 1813.

Quartermaster General Sir Sidney Beckwith begs leave to return his best acknowledgments to  
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General Taylor for his polite communication, and to repeat his earnest wish that military operations should be carried on with all the liberality and humanity which becomes the respective nations. Any infringement of the established usages of war will instantly be noticed and punished.

Extract of a letter from Brigadier General Taylor to the Secretary of War, dated

**NORFOLK, July 7, 1813.**

"The Board of officers convened to examine the charge brought against our troops in the affair at Craney island have made such a report as an American could desire. I enclosed a copy yesterday to the British commander, with a letter, of which a copy is enclosed. The bearer of my despatch was met by a flag, the officer of which received the despatch, and a few hours after returned with an answer, of which a copy is also enclosed. I fear, from the generality of its terms, that little amelioration of the system, hitherto practised, is to be expected; but something is gained by placing the enemy so decidedly in the wrong, that the world cannot doubt to whom is to be ascribed any excesses which hereafter may be committed on either side."

Extract of an official letter, addressed by Major Crutchfield to Governor Barbour, dated

**YORK COUNTY, HALF-WAY HOUSE,**

**June 20, 1813.**

"To give you, sir, an idea of the savage-like disposition of the enemy, on their getting possession of the neighborhood, would be but a vain attempt. Although Sir Sidney Beckwith assured me that no uneasiness might be felt in relation to the unfortunate Americans, the fact is, that, on yesterday, there were several dead bodies lying unburied, and the wounded not even assisted into town, although observed to be crawling towards a cold and inhospitable protection. The unfortunate females of Hampton, who could not leave town, were suffered to be abused in the most shameful manner, not only by the venal savage foe, but by the unfortunate and infatuated blacks, who were encouraged by them in their excesses. They pillaged, and encouraged every act of murder and rapine—killing a poor man by the name of Kirby, who had been lying on his bed at the point of death for more than six weeks; shooting his wife in the hip at the same time, and killing his faithful dog while lying under his feet. The murdered Kirby was lying, last night, weltering in his bed."

Extract of a letter from Captain Cooper of the Cavalry, to Charles K. Mallory, Esq., Lieutenant Governor of Virginia.

"I was yesterday in Hampton with my troop; that place having been evacuated in the morning by the British. My blood ran cold at what I saw and heard. The few distressed inhabitants running up in every direction to congratulate us; tears were shedding in every corner. The in-

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famous scoundrels, monsters, destroyed everything but the houses, and (my pen is almost unwilling to describe it) the women were ravished by the abandoned ruffians! Great God! my dear friend, can you figure to yourself our Hampton females seized and treated with violence by those monsters, and not a solitary American arm present to avenge their wrongs? But enough; I can no more of this.

"They have received a reinforcement of two thousand, in all six thousand men; and Norfolk or Richmond is their immediate aim. Protect yourselves from such scenes as we have witnessed. They retired in great confusion, leaving behind three thousand weight of beef, muskets, ammunition, canteens, &c., and some of their men, which we took. It is supposed that they apprehended an immediate attack from six thousand of our men, which caused them to retreat so precipitately. My friend, rest assured of one thing, they cannot conquer Americans; they cannot stand them: if we had had one thousand two hundred men, we should have killed or taken the greater part of them.

From the same to the same, dated

ARMISTEAD'S MILL, NEAR HAMPTON,

July 10, 1813.

"DEAR FRIEND: Your favor of the 7th has just been received through the politeness of Major Crutchfield, who had it forwarded to me at this place. I am surprised to hear that you have among you a man who would endeavor to apologize for the unprecedented villany and brutal conduct of the enemy in Hampton. Be assured of one fact, that that which I informed you of in my last was strictly true.

"You request me to make known to you a few of the distressing particulars, in a way which will force conviction upon the minds of the incredulous. I will attend to it, my friend, that you may be enabled to confound such with positive proofs. At present you must content yourself with the following, and believe it as religiously as any fact beyond denial.

"Mrs. Turnbull was pursued up to her waist in the water, and dragged on shore by ten or twelve of these ruffians, who satiated their brutal desires upon her, after pulling off her clothes, stockings, shoes, &c. This was seen by your nephew Keith, and many others. Another case—a married woman, her name unknown to me, with her infant child in her arms, (the child forcibly dragged from her) shared the same fate. Two young women, well known to many, whose names will not be revealed at this time, suffered in like manner. \*Doctor Colton, Parson Holson,

and Mrs. Hopkins, have informed me of these particulars. Another, in the presence of old Mr. Hope, had her gown, &c. cut off with a sword, and violence offered in his presense, which he endeavored to prevent, but had to quit the room, leaving the unfortunate victim in their possession, who, no doubt, was abused in the same way. Old Mr. Hope\* himself was stripped naked, pricked with a bayonet in the arm, and slapped in the face; and were I to mention a hundred cases in addition to the above, I do not know that I should exaggerate."

Extract from a report made to Major Crutchfield by Thomas Griffin and Robert Lively, Esqrs. dated

YORK, 4th July, 1813.

"Upon reaching Hampton, a scene of desolation and destruction presented itself. The few inhabitants we found in town seemed not yet to have recovered from their alarm: dismay and consternation sat on every countenance: reports had reached us of the violence and uncontrolled fury of the enemy after they obtained possession of the place; their conduct, in some cases, being represented such as would have disgraced the days of Vandalism. Our feelings were much excited, and we deemed it our duty to pursue the inquiry as far as practicable, and are sorry to say, that, from all the information we could procure, from sources too respectable to permit us to doubt, we are compelled to believe that acts of violence have been perpetrated, which have disgraced the age in which we live. The sex, hitherto guarded by the soldier's honor, escaped not the rude assaults of superior force; nor could disease disarm the foe of his ferocity. The apology, that these atrocities were committed by French soldiers attached to the British forces now in our waters, appears to us no justification of those who employed them, believing, as we do, that an officer is, or should be, ever responsible for the conduct of the troops under his command."

To the Editor of the Enquirer.

SIR: Having just returned from Hampton, where I made myself acquainted with all the particulars of British outrage, whilst that place was in their possession, I am requested, by many persons, to communicate, through you, to the public, the information I have given them. I do this with no hope or expectation of satisfying those who required other testimony than Major Crutchfield's or Captain Cooper's. I too well know there are those among us, who will still doubt, or pretend to doubt. But as I believe, this class to be few in number, and insignificant in the public estimation; as I firmly believe that a large majority of all political persuasions are open to conviction, and feelingly alive to their

\* The former of these gentlemen acted as surgeon to the detachment lately stationed at Hampton, and is a young gentleman of the first respectability. The latter is president of the academy at that place, and stands deservedly high in public estimation. Mrs. Hopkins, also, is a lady of very high respectability, and of the most unquestionable veracity.

\* This worthy old gentleman is bowing beneath the pressure of age, being near 70, or older: has a numerous family, most of them sons, now in the service of their country.

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country's wrongs; I cannot withhold from them the facts, whose simple recital will, according to their different temperaments, inflame them with rage, or fill them with horror.

My name you are at liberty to give the public, or only to those who may inquire for it, as you think proper. I have reason to believe that those who knew me, whether Federal or Republican, will know and acknowledge that I am incapable of publishing a falsehood; and I aver, that every statement inconsistent with the following, no matter on whose authority it is made, is untrue; in proof of which I solemnly undertake, before the world, to establish every fact contained in it, provided any gentleman will sign his name to a denial of either of them.

I went to Hampton with the determination of inquiring minutely into the truth of reports, which I hoped, for the honor of a soldier's profession, and of human nature, to have found exaggerated. In the investigation, I resolved to depend on the second hand relation of no one, where I could mount to the original source of evidence; but since, in some cases, this was impracticable, I feel it a duty carefully to distinguish the one class from the other.

That the town and country adjacent was given up to the indiscriminate plunder of a licentious soldiery, except, perhaps, the house where the headquarters were fixed, is an undeniable truth. Every article of valuable property was taken from it. In many houses not even a knife, a fork, or plate was left. British officers were seen by Dr. Colton in the act of plundering a Mr. Jones's store. His house, although he remained in town, was rifled, and his medicine thrown into the public street, just opposite where many officers took up their quarters, who must have been eye-witnesses of the scene. The church was pillaged, and the plate belonging to it taken away, although inscribed with the donor's name. The windmills in the neighborhood were stripped of their sails. The closets, private drawers, and trunks of the inhabitants, were broken open, and scarcely anything seemed to be too trifling an object to excite the cupidity of these robbers. Several gentlemen informed me that much of their plunder was brought into the back yard of Mrs. Westwood's house, where Sir Sidney Beckwith and Admiral Cockburn resided. But I had no opportunity of seeing this lady, who, it was said, would testify to the fact. In short, Hampton exhibits a dreary and desolate appearance, which no American can witness unmoved. Doctor Wardlaw and Mr. John G. Smith, of this city, visited it in company with me; and their indignation was equal. They, and every one who saw and heard what I have stated, united in execrating the monsters who perpetrated these enormities; and political distinctions, if any existed, were lost in the nobler feelings of pity for the sufferers, and a generous ardor to avenge their wrongs.

Here it may be necessary to notice a publication I have this moment read in the Alexandria Gazette of the 12th, where, among other things,

it is said, on the authority of a "gentleman who was in Hampton the day after the evacuation by the enemy," that it was believed there "that nearly all the plundering was committed by the negroes;" and that he saw many "articles brought to the magistrates which had been secreted in the negro houses." That some plundering may have been committed by the negroes, who, as I was told, were embodied and paraded through the streets, is probable enough; that the expression of such an opinion may have been heard in Hampton is likewise probable; but I do utterly deny, that it is believed there, by any person worthy of credit, that "nearly all the plundering was committed by them." Let the gentleman, then, who gives this account, state from whom he derived his information. Let him give the names of the magistrates who received the plunder thus found, and his own; and let him declare what were the main articles he saw brought in. I will not directly hazard the assertion, but I am very much inclined to believe, there were no magistrates in the town at the time spoken of, unless Parson Holson, Dr. Colton, or Captain Willis, are magistrates; and with all these gentlemen I conversed, and heard not a whisper countenancing the statement in the Alexandria paper. How it is known that the negroes "had the address," first to impose on the British commanders, and then on the American troops, which "induced them to retreat to York," and leave Hampton to be plundered by these artful rogues, that gentleman is left to say; but that the American troops did not retire to York, in consequence of such information, is undoubtedly true. Nor is it less true that Captain Cooper's troop arrived in time to prevent any plundering of the least consequence, after the evacuation; and in time to prevent, what many gentlemen there believed to have been a plan concerted between the black and white allies—the firing of the town.

That "Admiral Warren expressed his regret that the inhabitants of Hampton had not all remained, as in that case no plundering would have happened, is probable enough; and is conformable with the answer given to Captain Willis, who complained to Cockburn and Beckwith of the destruction of his private property. "Why did you quit your house?" said these honorable men. "I remained in my house," answered Doctor Colton, "and have found no better treatment."

That Kirby, who, for seven weeks or more, had been confined to his bed, and whose death the savages only a little hastened, was shot in the arms of his wife, is not denied. Those who wish for further confirmation may go and take him from his grave, and weep, if they can feel for an American citizen, over his mangled body. They may go to his wounded wife, and hear her heart-rending tale, and then they may turn to the account of the gentleman, and derive consolation from the excuse (which I never heard) "that it was done in revenge for the refusal of the militia to give quarter to some Frenchmen, who

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were on board a barge that was sunk by our troops, who continued to fire on the almost drowning men, when making for the shore." This vile slander on our troops will, I have no doubt, be met, in the proper manner, by the gallant officer who commands them at Norfolk. But the worst is to come.

I conversed with a lady whose name is mentioned in Captain Cooper's letter, in company with Parson Holson, Doctor Colton, and Captain Willis. Her story was too shocking in its details to meet the public eye. When I had convinced her of the object I had in view in visiting her—that it was dictated by no impertinent curiosity, but a desire to know the whole truth, to enable me, on the one hand, to do justice even to an enemy, or, on the other, to electrify my countrymen with the recital of her sufferings, she discovered everything which her convulsive struggles between shame and desire to expose her brutal assailants would permit. This woman was seized by five or six ruffians, some of them dressed in red and speaking correctly the English language, and stripped naked. Her cries and her prayers were disregarded, and her body became the subject of the most abominable indecencies. She at one time made her escape, and ran into a creek hard by, followed by a young daughter; whence she was dragged by the monsters in human shape, to experience new and aggravated suffering. In this situation she was kept the whole night, whilst her screams were heard at intervals by some of the Americans in town, who could only clasp their hands in hopeless agony.

Virginian! American! Friend or enemy of the administration, or of the war! go, as I have done, to this woman's house and hear and see her. See too her young daughter on the bed of sickness, in consequence of the abuses of that night! and your heart, if it be made of "penetrable stuff" will throb with indignation, and a thirst for revenge, and your hand instinctively grasp the weapon for inflicting it.

A Mrs. Briggs related to us, that a woman who had come to Hampton, to visit her husband, who was in the militia, was taken forcibly from her side by four soldiers in green, and with her young child, which one of them snatched from her arms, borne to the hospital, in spite of her screams. They had previously robbed them of their rings, and attempted to tear open their bosoms. A Mrs. Hopkins, who was not in town when I was there, obtained the assistance of an officer, and rescued the woman from her ravishers, but not until one of them had gratified his abominable desires. I was told by the gentleman who accompanied me, that Mrs. Hopkins confirmed this statement, and would swear to at least two other cases of a similar kind, without, however, giving up the names of the young and respectable women who suffered.

Doctor Colton and Captain Mills, assisted by an officer, rescued another lady from the greatest of all calamities.

Old Mr. Hope, aged, as he told Major Crutchfield, (in my presence) sixty-four or five years,

was seized by these wretches and stripped of all his clothing, even of his shoes and his shirt. A bayonet was run a little way into his arm behind, as if in cruel sport; while several were held to his breast. In this situation he was kept for a considerable time, and would probably have been another victim of their rage, if their attention had not been diverted to a woman, who had sought refuge in his house. They followed her into the kitchen, whither she had run for safety. Mr. Hope made off amidst her agonizing screams, and when he returned to his house, he was told by his domestics that their horrid purposes were accomplished. This I had from him.

How far this violation extended will never be known. Women will not publish what they consider their own shame, and the men in town were carefully watched and guarded. But enough is known to induce the belief of the existence of many other cases, and enough to fire every manly bosom with the irrepressible desire of revenge.

I am not disposed to tire the public patience, or I could tell of enormities little inferior to the above. But the enemy are convicted of robbery, rape, and murder, and it is unnecessary to add to the catalogue of their crimes.

Men of Virginia! will you permit all this? Fathers, and brothers, and husbands, will you fold your arms in apathy, and only curse your despoilers? No, you will fly with generous emulation to the unfurled standard of your country. You will imitate the example of those generous spirits who are, even now, in crowds, tendering their services to the Commander-in-Chief; who are pouring from their native mountains, and soliciting to be led against the enemy wherever he dares to show his face. You will prove yourselves worthy of the immortal honor that the enemy has conferred upon you in selecting you as the object of his vengeance. You will neglect, for a time, all civil pursuits and occupations, and devote yourselves to the art, a knowledge of which the enemy has made necessary. You will learn to command; and, with "Hampton" as your watch-word—to conquer.

P.\*

YORK, July 4, 1814.

SIR: Anxious to effect, as early as possible, the objects of the flag intrusted to us by you on the 1st instant, we proceeded, immediately after receiving your despatches for Admiral Warren and General Taylor, to Hampton. On our arrival at the latter place, some difficulty arose in procuring a vessel to convey us to the British fleet; and after some delay, we were compelled to embark in a small, open, four-oared boat, the only one, it seemed, which the fury of the enemy had left capable of floating. We proceeded to the fleet of the enemy with the utmost despatch which our little skiff, and the excessive heat of the day, would permit; and when distant from the Ad-

\* Believed, upon good authority, to be Colonel Richard E. Parker, of Westmoreland county, Virginia.

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miral's ship about a half mile, were met and hailed by a barge of the enemy, the officer of which was informed we had despatches for Admiral Warren. We were invited into the barge, which invitation was accepted, as well to relieve ourselves from the confinement on board our little vessel, to lighten as much as possible the burden of our oarsmen, and proceed with as much expedition as practicable to obtain the objects of our mission. On our arrival at the Admiral's ship (the *San Domingo*) we were directed to proceed to the "*Sceptre*," a line of battle ship, on which we were informed Admiral Cockburn had recently hoisted his flag. Arriving alongside of this ship we were desired by the officer of the barge to ascend the ship. Upon our reaching the deck, we found a large assemblage of officers—certainly a greater number than could be necessarily attached to a single ship. In the space of ten minutes the two Admirals, Warren and Cockburn, approached; to the former, we delivered your despatches, who, upon perusal, evinced embarrassment, and after a short pause, said, that the principal object of the flag appeared to be to procure supplies for your hospital. He was answered in the affirmative. Could not these supplies have been as easily and early procured from Richmond as from Norfolk? We thought not. The Admiral then said he would reflect upon the subject, and return us an answer soon, and retired with Admiral Cockburn to the cabin of the ship.

A period of about fifteen minutes then elapsed, when Admiral Cockburn advanced, and addressing Major Griffin, informed him, that the Admiral would see him in the cabin. Upon Major Griffin's reaching the cabin, the two Admirals only with him, Admiral Warren again repeated the opinion, that the hospital supplies could be as expeditiously procured from Richmond, as from Norfolk, saying, it was contrary to their regulations to permit even a flag to go to Norfolk; that it was their intention to land Mr. King, who went with the flag, at Seawall's point, and jointly with Admiral Cockburn, expressed an unwillingness to permit the flag to proceed. They were answered, that if the flag was permitted to proceed, the supplies could be procured sooner than if the flag was compelled to return, certainly in the course of the following day; that if compelled to resort to Richmond, three days, probably more, would pass before the stores could reach Hampton; that our wounded and sick were suffering for medicines and necessaries; that all the medicine, private as well as public property, had been wantonly destroyed by the troops who lately captured Hampton; and that the supplies absolutely required for the use of the hospital could not be procured in Hampton. The Admiral said he had heard that the hospitals had received some supplies. He was asked from whence, and assured it was not the case. Finding the Admiral still hesitating, Major Griffin said, "that the reputed humanity of Admiral Warren forbid Major Crutchfield to doubt that the application for the passage of a flag to Norfolk would be refused." After a short pause Major Griffin was informed

that the flag might proceed, upon condition of returning along-side the ship, in the same vessel, with the same persons, and with no increase of persons. The restriction to the same vessel was combated, on the ground that, in the event of much wind, the boat was too small to navigate the roads, and thus the object of the flag would be defeated. But finding no relaxation in the condition probable, it was determined, upon consultation with Lieutenant Lively, to proceed. Upon the subject of prisoners, Admiral Warren acknowledged one only to be in the fleet, taken at Hampton. He declined all arrangement, and avoided all discussion on this topic, saying he had opened a correspondence with General Taylor, but nothing was decided. Relative to the officers' baggage captured in Hampton, the Admiral said that such articles as had been found had been restored, and mentioned the papers of Captain Pryor, which had been placed in the care of Captain Myers of Norfolk, and assured Major Griffin that he would direct Sir Sidney Beckwith to inquire farther, and if they should be discovered it would be made known to us on our return. We were then informed we might proceed, which we immediately did, and reaching Norfolk after 3 P. M. repaired to General Taylor's quarters, who directed the supplies written for by the surgeons. Returning on the second, we were, as customary, again met by a barge of the enemy, and desired to call on board the Admiral's ship; we entered the ship with the officers of the barge, and were received by the Captain, who inquired if we had despatches from the Admiral. Being informed we were the returning flag that had proceeded to Norfolk the day before, the Captain retired to the cabin, and shortly returned with information that we might proceed when we pleased; this we did, and deposited with Doctor Colton the medical and hospital supplies sent from Norfolk.

Upon our reaching Hampton a scene of desolation and destruction presented itself. The few inhabitants we found in town seemed not yet to have recovered from their alarm; dismay and consternation sat on every countenance. Reports had reached us of the violence and uncontrolled fury of the enemy after they obtained possession of the place; their conduct, in some cases, being represented such as would have disgraced the days of Vandalism. Our feelings were much excited, and we deemed it our duty to pursue the inquiry as far as practicable, and are sorry to say, that, from all the information we could procure, from sources too respectable to permit us to doubt, we are compelled to believe that acts of violence have been perpetrated, which have disgraced the age in which we live. The sex, hitherto guarded by the soldier's honor, escaped not the rude assaults of superior force; nor could disease disarm the foe of his ferocity. The apology that these atrocities were committed by the French soldiers attached to the British forces now in our waters appeared to us no justification of those who employed them, believing, as we do, that an officer is, or should be, ever responsible for the conduct of the troops under his command.



*Manner in which the War is waged by the Enemy.*

We have the honor to be, your humble servants,  
**THOMAS GRIFFIN.**  
**ROBERT LIVELY.**

To Major CRUTCHFIELD, *Comm't, York.*

*Addenda.*

WASHINGTON CITY, July 30, 1813.

From William Berry, Midshipmen in the Frigate Chesapeake.

SIR: I consider myself bound to lay before you what came under my knowledge while on board the Chesapeake, as well as on board the Shannon.

After the enemy had complete possession of the ship, Midshipmen Randolph and Flushman were ordered from the fore and main top. In coming down the shrouds Lieutenant Faulkner (the British officer) said to his men, kill those damned rascals. Then, and immediately, several muskets were discharged at them, but without effect. My station was in the mizzen top, where I had an opportunity of seeing their actions. I was looking on deck when I saw one of the Chesapeake's men crawling along, attempting to get below, with one of his legs off. One of the enemy stepped up to him with his cutlass, and immediately put an end to his existence. Lieutenant Faulkner looked up in the mizzen top; pointing at me, said he to his men, go up three of you and throw that damned Yankee overboard. They immediately rushed up seizing me by the collar; now, said they, you damned Yankee, you shall swim for it, attempting to throw me overboard; but I got within the rigging, when one of them kicked me in the breast, which was the cause of my falling; being stunned by the fall, I lay some time senseless, and when I came to, I was cut over the head with a cutlass, which nearly terminated my existence. Eleven of our midshipmen were confined in a small place, nine feet by six, with an old sail to lay on, and a guard at the door, until a day or two before our arrival at Halifax; and, likewise, eleven of us upon five rations, and some days only one meal. Our clothes were taken on board of the Shannon; Lieutenant Wallis, the commanding officer on board, would not let us take our clothes below with us, but pledged his word and honor as an officer, we should receive our clothes. But we discovered, next morning, that their midshipmen had on our clothes and side arms. We were conversing together respecting our clothes—one of their midshipmen overheard our conversation, and made a report to the Lieutenant commanding. He then sent word to us that if we said anything more about the clothes, he would put us in the fore-hold with the men. We expected to receive our clothes when we arrived in port, but, I assure you, sir, nothing was ever restored. Other rascally things occurred, which our officers will, when they return, make known to the public, disgraceful to a civilized nation. If your request could have been made sooner, I should have felt gratified in making a fuller statement. I have, &c.

**WILLIAM BERRY.**

Hon. L. CONDUCT, *Washington.*

Another circumstance took place on board, which entirely escaped my memory until this moment. Several of the officers had money taken from them which they had received from the Chesapeake as prize money. Mr. Higinbotham, as nearly as I can recollect, had upwards of one hundred and thirty dollars.

**W. BERRY.**

GEORGETOWN, July 30, 1813.

SIR: Having perused a letter of yours to Mr. Berry, requesting information respecting the treatment of the American officers and seamen of the late Chesapeake, I consider myself bound, sir, to lay before you what came under my knowledge. My having been wounded, and remaining on board the Chesapeake, might not give me that scope for observation which others possessed; but, I am sorry to say, many things transpired disgraceful to the character of a brave enemy. Whilst undressing myself in the steerage, after the Americans were driven below or had surrendered, and after resistance had ceased, I believe entirely, several muskets and pistols were at once pointed down the hatchway, and discharged in the direction of the cockpit; and as the steerage and cockpit were filled with the wounded, in all probability some were killed outright. It was Midshipman Hopewell, and not Livingston, who was so inhumanly treated, as described in the public prints. It has been the custom in our navy to take the side-arms of officers, (prisoners,) but to restore them on their leaving the ship. Ours were taken, worn, and never restored, together with what nautical instruments they could lay their hands on. When spoken to by the American officers on the subject, the answer was, such things were free plunder. A day or two after the action, I was conversing with Lieutenant Budd and Mr. Nicholls, near the taffarel, respecting the engagement, when it was observed some of the Shannon's men were listening to our conversation. Immediately after, Lieutenant Faulkner, the commanding officer, ordered sentinels to be placed at the mizen mast; and, said he to them, if you see any of the Chesapeake's men abaft the mizen mast, cut them down; if you see them conversing together, cut them down without hesitation. It will be remembered the three officers who caused this order were all severely wounded. We received no caution and overheard it by accident. So great was the rage for plunder, that Captain Lawrence, before his death, could not obtain a bottle of wine from his private sea stores, without a note from the doctor to the Lieutenant commanding. I pass over the robbing of the midshipmen on board the Shannon, as it did not come under my immediate notice. If your request could have been made earlier, I should have felt gratified in making a fuller statement.

I have the honor to be, sir, with great respect,  
 your obedient servant,

**WM. A. WEAVER.**

Hon. LEWIS CONDUCT, *Washington.*

*Additional Fortifications—Increase of the Army.***ADDITIONAL FORTIFICATIONS, AND AN INCREASE OF THE ARMY.**

[Communicated to the Senate, August 1, 1813.]

COMMITTEE CHAMBER,  
Monday, May 30, 1813.

SIR: I am directed by the committee of the Senate to whom was referred so much of the Message of the President as relates to the Military Establishment, to inquire of you what provision has been made, by your Department, for the protection and defence of the seaboard of the United States; whether the protection authorized by law is deemed sufficient; if not, what further or other provision is considered necessary; whether any, and if any, what, modification of the Military Establishment, or extension thereof, is deemed expedient. I am also directed to ask you to give the committee such information, in relation to any other specific objects in your Department, as you may deem proper to be communicated, or which may require legislative provision.

Accept assurances of my high respect.

J. ANDERSON, *Chairman.*

To the SECRETARY OF WAR.

WAR DEPARTMENT, June 10, 1813.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, written by direction of the Committee of the Senate "to whom was referred so much of the Message of the President as relates to the Military Establishment," and inquiring

What provision had been made by the War Department for the protection of the seaboard?

Whether the protection authorized by law be deemed sufficient? And, if not, what further or other provision be considered necessary?

Whether any, and, if any, what modification or extension of the Military Establishment be deemed expedient; and

What other specific objects within my Department may require legislative provision?

To these questions I beg leave to reply:

1st. That, so far as the defence of the seaboard depends on troops, the statement I had the honor to make to you yesterday will be found to contain an appropriate answer to the first question. It but remains, therefore, to present a table of the posts, the number and caliber of the cannon, and of the quantity of ammunition at each of these. This will be found in the documents enclosed, numbered 1, 2, 3.\*

2d. That, in my opinion, the present protection of the seaboard is not sufficient, and that the measures to be taken for its better defence are of two kinds—additional fortifications, and an increased number of regular troops.

Under the former of these heads, it is proposed to erect a work, of earth, or of more durable materials, if found advisable, on a small island of the Delaware, called the Pea Patch. The plan and

extent of the work will be adapted to the relation which the island bears to the shores and channel of the Delaware; and, from the survey made, it is believed that the work will completely cover both. The situation of the island is eight miles below New Castle.

A work of the same description at Hawkins's Point, near Baltimore.

A work on Maryland Point, or on that called Cedar Shoal Point, on the Potomac. It cannot be doubted but that the seat of the National Government should be placed, not merely beyond injury, but beyond disturbance, from an enemy.

A work on Craney island, for the better protection of Norfolk, has been commenced, and is mentioned here but from a belief that the importance of the position will be found to justify an extension of the present plan.

At Charleston, or its dependencies, some covering works have been projected, but a want of funds has hitherto prevented their execution.

Savannah is believed to be a position which, from various causes, is more exposed than any other, and upon the defence of which, few expenditures of public money have been made. It is, therefore, proposed to protect it by a chain of redans on three of its sides, and, on the fourth, which is understood to be the most vulnerable, by a few redoubts, connected by a ditch and parapet, &c.

No additional work at New Orleans is thought necessary. One, of regular form and of considerable extent, has been recently erected on the eastern bank of the Mississippi, at the Detour Anglais, and a second has been projected for commanding the entrance from the sea into Lake Pontchartrain. When these are finished, the defence of New Orleans from exterior attacks, and by means of fixed batteries, may be considered as complete.

Under the second general provision, (an increased number of regular troops,) I offer the following arrangement of permanent garrisons, viz:

To districts No. 1 and 2	-	-	2,000 men.
To do. do. 3 and 4	-	-	3,000
To do. do. 5	-	-	3,000
To do. do. 6	-	-	2,000
To do. do. 7	-	-	3,000

3d. In fulfilling the arrangement stated in the preceding article, it will be necessary to organize the whole number of the twenty regiments authorized to be raised during the last session of Congress. Of these regiments fifteen have been already set on foot, including ten companies of rangers, intended for the defence of the Territories of Indiana, Illinois, and Missouri. It is respectfully proposed that the remaining five be also raised expressly for the defence of other and particular points, and that their service be made commensurate with the war. Corps of this description may be promptly obtained, and made to take a very efficient character. This is the only modification of the present Military Establishment which is believed to be necessary. An extension of it, called for as well by justice as by policy, is the establishment of an invalid corps.

\* Not on file.

*Additional Fortifications—Increase of the Army.*

Instances of partial decrepitude have been much multiplied by the events of the last and present campaigns, and can best be relieved by an establishment which but demands from the sufferer a service proportioned to his physical ability, and which, while it gives occupation, guaranties against want.

4th. Some minor and insulated subjects require legislative notice and provision.

1. The law creating the Ordnance department provides for four deputy commissaries. It is proposed to authorize the President to add five other deputies. This will enable the head of that department to assign to each military district one deputy, who shall establish and superintend a laboratory within the same, and thus do away the expense and risk of transmitting fixed ammunition from one district to another.

2. Aids-de-camp are now taken from the line of the army in all cases, as are assistant adjutants and inspectors general, and, in many cases, their principals; and, also, the paymasters of districts. These multiplied draughts upon the line are found to have a bad effect, and the more so, as officers of the greatest intelligence are generally elected to fill these appointments. It is, therefore proposed that general officers be permitted to select their aids from the mass of citizens, and that the rank, pay, and emoluments, of a captain of cavalry be given to each aid-de-camp, so long as he be continued as such.

3. No provision is made by law for paying money to officers of light dragoons and light artillery, in lieu of forage, when not drawn in kind.

4. The provisions of the act of the 6th of July, 1812, in relation to the price to be allowed in lieu of forage not drawn in kind, by officers of certain grades, appear to be contradictory.

5. The United States possess, in fee simple, sundry lots of ground in Pittsburg. It is understood that, if these were divided into smaller lots, and sold at public sale, they would bring not less than forty thousand dollars—a sum which would be competent to establish a laboratory near that place, on a scale proportioned to all the demands of the West, Southwest, and Northwest. A law will be necessary to make such sale.

I have the honor to be, with great respect, sir, your most obedient, humble servant,

JOHN ARMSTRONG.

Hon. J. ANDERSON, *Chairman, &c.*

WAR DEPARTMENT, June 18, 1813.

SIR: The following report, additional to that made on the 10th instant, on the subject of an increased seaboard defence, is respectfully submitted to the committee to whom was referred so much of the President's Message as relates to the Military Establishment.

Our Atlantic towns and cities furnish, respectively, a large number of seafaring men, who, from their hardihood and habits of life, might be very usefully employed in the defence of the seaboard, particularly in the management of great guns, whether in fixed or in floating batteries, or

in those of position. A corps of great efficiency might be formed out of these men, and on terms much more economical than those necessary to obtain soldiers of the line.

Their term of service need not exceed eight months in each year, viz: from the month of March to that of December. They may be had at the rate of twelve dollars per month, (if subsisted,) and without expense on account of clothing.

1,000 sea fencibles, at \$12 per month, each, is per month - - - - - \$12,000

8 months, at \$12,000 per month, is - 96,000

Subsistence for term aforesaid, is - 36,000

Pay and subsistence of officers, viz:

10 captains, 10 first lieutenants, 10 second lieutenants, and 10 third lieutenants, is - - - - - 12,052

Total - - - - - \$145,552

I have the honor to be, with great respect, sir, your most obedient, humble servant,

JOHN ARMSTRONG.

Hon. J. ANDERSON, *Chairman, &c.*

WAR DEPARTMENT, July 12, 1813.

SIR: In reply to the inquiry of the honorable the Senate, viz: "What preparations have been made, and are now in readiness, for the defence of the navy yard and other public property in the City of Washington, in case it should be assailed by the enemy?" I have the honor to report that, on the water line, the means of defence are of two kinds, naval and military; that there are of the former, one frigate, two schooners, and three gunboats, so stationed as to co-operate with Fort Washington; that this fort and its covering work have been recently put into a state of thorough repair, are well equipped with heavy cannon, furnaces, &c., and are now occupied by a competent garrison of United States' artilleryists; that, to any attempts on the land side, we can oppose the 10th, 36th, 38th, and a detachment from the 5th, regiments of infantry, and one battalion of militia; the whole amounting to one thousand six hundred effectives. That the navy yard and marine establishment can furnish an additional defence of nearly one battalion; that two companies of light artillery have been organized, under an officer of much experience, and are supplied with cannon, caissons, &c.; that several uniformed corps are in weekly drill, and ready for service the moment that a call upon them shall become necessary; that, within the District alone, we may count on an additional force of nearly twelve hundred effective militia, and that a competent supply of arms, and of fixed and loose ammunition, has been placed within their reach.

I have the honor to be, with great respect, sir, your most obedient humble servant,

JOHN ARMSTRONG.

CHAIRMAN MILITARY COMMITTEE, &c.

*Failure of the Northern Army.*WAR DEPARTMENT, *July 26, 1813.*

SIR: I beg leave to submit to the consideration of the Military Committee of the Senate, a copy of a letter from Commodore Chauncey to the Secretary of the Navy, having relation to the subject submitted in my letter of the 19th inst. Mr. Stacey has been discharged, on the ground that a citizen cannot be considered as a spy.

I have, &amp;c.

J. ARMSTRONG.

Hon. Mr. ANDERSON, *Chairman, &c.*

U. S. SHIP MADISON,

*Sackett's Harbor, July 4, 1813.*

SIR: On the 1st instant I caused Mr. Samuel Stacey to be apprehended as a spy. Mr. Stacey lives upon the St. Lawrence, a few miles below Ogdensburg, and I have the most positive information that he has been in the habit of conveying information to the enemy for many months. He visited this place a few days before the British made the attack on the 29th of May, and I have no doubt but that he is the person that gave the information that most of the troops had been sent to Niagara. I had information from the person that I employ, on the other side, that this man would visit the harbor about the last of June. He was accordingly watched. When he left Ogdensburg, he said he was going to Utica upon important business. He told others that he was going into the Western country to collect money, instead of which he came to the harbor, without any ostensible business, and made a great many inquiries respecting the fleet: when they would sail? and the force of the new ship? &c. I, therefore, thought it my duty to detain this man for trial. I can prove his frequent intercourse with the enemy. At any rate I shall deprive the enemy of the information which he could have conveyed to him, which is all important at this time.

It would be very desirable to hang this traitor to his country, as he is considered respectable in the country in which he lives, and I think that it is full time to make an example of some of our countrymen, who are so base and degenerate as to betray their country by becoming the spies and informers of our enemy. I hope the steps which I have taken with respect to Mr. Stacey will meet with your approbation.

I have the honor to be, &amp;c.

ISAAC CHAUNCEY.

Hon. W. JONES, *Secretary of the Navy.*CAUSES OF THE FAILURE OF THE ARMY  
ON THE NORTHERN FRONTIER.

[Communicated to the House, February 2, 1814.]

*To the House of Representatives  
of the United States.*

I transmit to the House of Representatives a report of the Secretary of War, complying with their resolution of the 31st of December last.

JAMES MADISON.

JANUARY 31st, 1814.

WAR DEPARTMENT, *Jan. 25, 1814.*

SIR: In compliance with the resolution of the House of Representatives of the 31st of December last, requesting such information (not improper to be communicated) as may tend to explain the causes of the failure of the arms of the United States on the Northern frontier, I have the honor to submit the following documents, and to offer to you, sir, the assurance of the very high respect with which I am,

Your most obedient and very humble servant,  
JOHN ARMSTRONG.

The PRESIDENT.

*Correspondence between the Secretary of War and  
Major General Dearborn, &c.*

Note presented to the Cabinet, on the 8th February, 1813, by the Secretary of War.

The enemy's force at Montreal and its dependencies has been stated at 16,000 effectives. It more probably does not exceed 10 or 12,000. The militia part of it may amount to one sixth of the whole. Is it probable that we shall be able to open the campaign on Lake Champlain, with a force competent to meet and dislodge this army before the 15th of May? I put the question on this date, because it is not to be doubted but that the enemy will then be reinforced, and, of course, that new relations, in point of strength, will be established between us. Our present regular force, on both sides of Lake Champlain, does not exceed 2,400 men. The addition made to it must, necessarily, consist of recruits, who, for a time, will not be better than militia; and when we consider that the recruiting service is but beginning, and that we now approach the middle of February, the conclusion is, I think, safe, that we cannot move in this direction, and thus early, (say 1st of May,) with effect.

It then remains to choose between a course of entire inaction, because incompetent to the main attack, or one having a secondary, but still an important object; such would be the reduction of that part of Upper Canada lying between the town of Prescott, on the St. Lawrence and Lake Erie, including the towns of Kingston and York, and the Forts George and Erie.

On this line of frontier the enemy have,  
At Prescott - - - - - 300  
At Kingston - - - - - 600  
At George and Erie, &c. - - - - 1,200

Making a total (of regular troops) of 2,100

Kingston and Prescott, and the destruction of the British ships at the former, would present the first object; York, and the frigates said to be building there, the second; George and Erie, the third.

The force to be employed on this service should not be less than 6,000 effective regular troops, because, in this first enterprise of a second campaign, nothing must, if possible, be left to chance.

The time for giving execution to this plan is clearly indicated by the following facts:

*Failure of the Northern Army.*

1st. The river St. Lawrence is not open to the purposes of navigation before the 15th of May; and

2d. Lake Ontario is free from all obstruction, arising from ice, by the 1st day of April.

Under these circumstances we shall have six weeks for the expedition before it be possible for Sir George Prevost to give it any disturbance.

Should this outline be approved, the details for the service can be made and expedited in forty-eight hours.

Extract of a letter from the Secretary of War to Major General Dearborn, dated

WAR DEPARTMENT, Feb. 10, 1813.

"I have the President's orders to communicate to you, as expeditiously as possible, the outline of a campaign, which you will immediately institute and pursue against Upper Canada.

"1st. 4,000 troops will be assembled at Sackett's Harbor.

"2d. 3,000 will be brought together at Buffalo, and its vicinity.

"3d. The former of these corps will be embarked and transported, under convoy of the fleet, to Kingston, where they will be landed. Kingston, its garrison, and the British ships wintering in the harbor of that place, will be its first object. Its second object will be York, (the capital of Upper Canada,) the stores collected, and the two frigates building there. Its third object, Forts George and Erie, and their dependencies. In the attainment of this last there will be a co-operation between the two corps. The composition of these will be as follows:

1st. Bloomfield's brigade	- - -	1,436
2d. Chandler's do.	- - -	1,044
3d. Philadelphia detachment	- - -	400
4th. Baltimore do.	- - -	300
5th. Carlisle do.	- - -	200
6th. Greenbush do.	- - -	400
7th. Sackett's Harbor do.	- - -	250

4,030

8th. Several corps at Buffalo, under the command of Col. Porter, and the recruits belonging thereto	- - -	3,000
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Total - - - 7,030

"The time for executing the enterprise will be governed by the opening of Lake Ontario, which usually takes place about the first of April.

"The Adjutant General has orders to put the more Southern detachments in march as expeditiously as possible. The two brigades on Lake Champlain you will move so as to give them full time to reach their place of destination by the 25th of March. The route by Elizabeth will, I think, be the shortest and best. They will be replaced by some new raised regiments from the East.

"You will put into your movements as much privacy as may be compatible with their execution. They may be masked by reports that Sack-

ett's Harbor is in danger, and that the principal effort will be made on the Niagara, in co-operation with General Harrison. As the route to Sackett's Harbor, and to Niagara, is, for a considerable distance, the same, it may be well to intimate, even in orders, that the latter is the destination of the two brigades now at Lake Champlain."

ALBANY, February 18, 1813.

SIR: Your despatches of the 10th were received last evening. Nothing shall be omitted, on my part, in endeavoring to carry into effect the expedition proposed.

I fear the very large magazines of provisions on Lake Champlain will be unsafe, unless a considerable partis removed at some distance from the store, or considerable force is assembled at Burlington, and vicinity, by the time the two brigades shall move. Another motive for having a large force on that lake will be, that of preventing the enemy from sending almost his whole force from Lower Canada to Kingston, as soon as our intentions shall be so far known as to afford satisfactory evidence of our intentions in relation to the conquest of Upper Canada; and unless an imposing force shall menace Lower Canada, the enemy's whole force may be concentrated in Upper Canada, and require as large a force to operate against them as would be necessary to operate towards Montreal. It may be advisable to draw out a body of New Hampshire militia to serve, for a short time, in Vermont. You will judge of the expediency of such a measure; but I do not believe that there will be a sufficient body of new raised troops in season for taking the place of the two brigades.

I this day received a letter from Colonel Porter, in which he informs me that General Winchester had arrived at Niagara, with such of his troops as had escaped the tomahawk, and that they were crossing over on parole. He states that, at the close of the action, all those who, by wounds or other causes, were unable to march, were indiscriminately put to death. Such outrageous conduct will require serious attention, especially when British troops are concerned in the action.

I am, sir, your obedient servant,

H. DEARBORN.

HON. J. ARMSTRONG, Sec'y of War.

WAR DEPARTMENT, Feb. 24, 1813.

SIR: Before I left New York, and till very recently since my arrival here, I was informed, through various channels, that a Winter or Spring attack upon Kingston was not practicable, on account of the snow which generally lays to the depth of two, and sometimes three feet, over all that Northern region during those seasons. Hence it is, that in the plan recently communicated, it was thought safest and best to make the attack by a combination of naval and military means, and to approach our object, not by directly crossing the St. Lawrence on the ice, but by setting out from Sackett's Harbor, in concert

*Failure of the Northern Army.*

with, and under convoy of, the fleet. Later information differs from that on which this plan was founded; and the fortunate issue of Major Forsyth's last expedition shows that small enterprises, at least, may be successfully executed at the present season. The advice given in your letter of the — instant, has a bearing also on the same point and to the same effect. If the enemy be really weak at Kingston, and approachable by land and ice, Pike (who will be a brigadier in a day or two) may be put into motion from Lake Champlain, by the Chateaugue route, (in sleighs) and, with the two bridges, cross the St. Lawrence where it may be thought best, destroy the armed ships, and seize and hold Kingston, until you can join him with the other corps destined for the future objects of the expedition; and, if pressed by Prevost, before such junction can be effected, he may withdraw himself to Sackett's Harbor, or other place of security on our side of the line. This would be much the shorter road to the object, and perhaps the safer one, as the St. Lawrence is now everywhere well bridged, and offers no obstruction to either attack or retreat. Such a movement will, no doubt, be soon known to Prevost, and cannot but disquiet him. The dilemma it presents will be serious. Either he must give up his western posts, or, to save them, he must carry himself in force, and promptly, to Upper Canada. In the latter case, he will be embarrassed for subsistence. His convoys of provision will be open to our attacks, on a line of nearly one hundred miles, and his position at Montreal much weakened. Another decided advantage will be, to let us into the secret of his real strength. If he be able to make heavy detachments to cover, or to recover Kingston, and to protect his supplies, and after all, maintain himself at Montreal and on Lake Champlain, he is stronger than I imagined, or than any well authenticated reports make him to be.

With regard to our magazines, my belief is, that we have nothing to fear; because, as stated above, Prevost's attention must be given to the Western posts, and to our movements against them. He will not dare to advance Southwardly while a heavy corps is operating on his flank, and menacing his line of communication. But, on the other supposition, they (the magazines) may be easily secured; first, by taking them to Willsborough; or, second, to Burlington; or, third, by a militia call, to protect them where they are. Orders are given for the march of the Eastern volunteers, excepting Ulmer's regiment and two companies of axe-men, sent to open the route to the Chaudiere.

The Southern detachments will be much stronger than I had supposed; that from Philadelphia will mount up nearly to 1,000 effectives.

With great respect, dear General, I am, &c.,  
JOHN ARMSTRONG.

Gen. DEARBORN.

HEADQUARTERS, ALBANY, Feb. 25, '14.

SIR: I this day received, by express, from Col. Macomb, the enclosed account from Major For-

syth. His known zeal for a small partisan warfare has induced me to give him repeated caution against such measures, on his part, as would probably produce such retaliating strokes as he would be unable to resist; but I fear my advice has not been as fully attended to as officer have been wished. He is an excellent officer, and, under suitable circumstances, would be of important service.

I have requested the Governor to order General Brown out with three or four hundred of such militia as he can soonest assemble to join Forsyth; and I have ordered Colonel Pike, with four hundred of his command, to proceed, in sleighs, by what is considered the shortest and best route, to the neighborhood of Ogdensburg, or to Sackett's Harbor. On his arrival at Pottsdam, or Canton, or Russel, he will be able to communicate with Brown or Forsyth, or both, and act with them as circumstances may require.

The affair at Ogdensburg will be a fair excuse for moving troops in that direction; and, by this movement, it will be ascertained whether the same route will be the best in future; the distance by that route from Plattsburg to Sackett's Harbor is but little more than one-half of what it would be by the route proposed, and I am assured by a gentleman whom I can confide in, that there will be no difficulty by that route.

Chauncey has not returned from New York. I am satisfied that, if he had arrived as soon as I had expected him, we might have made a stroke at Kingston on the ice; but his presence was necessary for having the aid of the seamen and marines.

From a letter received this day from Colonel Porter, at Niagara, it appears that the enemy were preparing to strike at Black Rock. I can give him no assistance.

I am, sir, with respect and esteem, your obedient humble servant,  
H. DEARBORN  
Hon J. ARMSTRONG, Sec'y of War.

FEBRUARY 22, 1813.

SIR: I have only time to inform that the enemy, with a very superior force, succeeded in taking Ogdensburg this morning about nine o'clock. They had about two men to our one, exclusive of Indians. Numbers of the enemy are dead on the field. Not more than twenty of our men killed and wounded; Lieutenant Beard is among the latter.

I have made a saving retreat of about eight or nine miles. I could not get all the wounded off.

We have killed two of the enemy to one of ours killed by them. We want ammunition and some provisions sent on to us, also sleighs for the wounded.

If you can send me three hundred men all shall be retaken, and Prescott too, or I will lose my life in the attempt. I shall write you more particularly to-day. Yours, with due respect,

BENJAMIN FORSYTH,  
Capt. Rifle Reg., Commanding.

Col. MACOMB, Sackett's Harbor.



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Extract of a letter from General Dearborn to the Secretary of War, dated

ALBANY, February 26, 1813.

"Having received information that Sir George Prevost was moving towards Upper Canada, with considerable force, but not such as can be fully relied on, I have, however, ordered four hundred more of Pike's command to follow the first detachment without delay."

HEADQUARTERS, SACKETT'S HARBOR,  
March 3, 1813.

SIR: Having been informed that Sir George Prevost had adjourned the Legislature at Quebec, assigning as the motive that His Majesty's service required his presence in Upper Canada, and having received certain information of his passing Montreal and having arrived at Kingston, I set out immediately for this place, having ordered the force at Greenbush, and part of Colonel Pike's command, in sleighs, for this place. I arrived here in fifty-two hours. I am now satisfied, from such information as is entitled to full credit, that a force has been collected from Quebec, Montreal, and Upper Canada, of from six to eight thousand men, at Kingston, and that we may expect an attack within forty-eight hours, and perhaps sooner.

The militia have been called in, and every effort will, I trust, be made to defend the post; but I fear neither the troops from Greenbush nor Plattsburg will arrive in season to afford their aid. I have sent expresses to have them hurried on.

Commodore Chauncey has not arrived; he will be here to-morrow. The armed vessels have not been placed in the positions intended by the Commodore.

Our total force may be estimated at nearly three thousand of all descriptions.

Sir George Prevost is represented to be determined to effect his object at all events, and will undoubtedly make every effort in his power for the purpose.

We shall, I trust, give him a warm reception; but, if his force is such as is expected, and should make an attack before our troops arrive from Greenbush and Plattsburg at Sackett's Harbor, the result may at least be doubtful.

I have the honor, sir, to be, &c.

H. DEARBORN.

HON. JOHN ARMSTRONG,  
Secretary of War.

SACKETT'S HARBOR, March 9, 1813.

SIR: I have not yet had the honor of a visit from Sir George Prevost. His whole force is concentrated at Kingston, probably amounting to six or seven thousand; about three thousand of them regular troops. The ice is good, and we expect him every day; and every measure for preventing a surprise is in constant activity. The troops from Greenbush (upwards of 400) have arrived. I have heard nothing from Pike; he

should have been here yesterday. I have sent three expresses to meet him; neither has returned. I have suspicions of the express employed by the Quartermaster General to convey the orders to Pike; the earliest measures were taken for conveying a duplicate of his orders. I hope to hear from him to-day. His arrival, with eight hundred good troops, would be very important at this time. The enemy are apprized of his movement.

I begin to entertain some doubts whether Sir George will venture to attack us, but shall not relax in being prepared to give him a decent reception.

I should feel easier if Pike should arrive in season. I am in want of officers of experience. My whole force, exclusive of seamen and marines, who will be confined to the vessels, and have no share in the action, until my force shall be worsted, amounts to nearly 3,000, exclusive of 450 militia at Brownville, and on the road leading from Kingston, by land. Within two or three days I may have 300 more militia from Rome and Utica.

The ice will not probably be passable more than from six to ten days longer; it is not usually passable after the 15th of March. This unexpected movement of the enemy will effectually oppose the movements contemplated on our part, and I shall not think it advisable to order General Chandler to move at present. As soon as the fall of this place shall be decided, we shall be able to determine on other measures. If we hold this place, we will command the lake, and be able to act in concert with the troops at Niagara, while Chandler's brigade, with such other troops as may assemble in Vermont, may induce a return of a considerable part of those troops that have left Lower Canada.

When I ordered Pike to move, I directed General Chandler to have the provision at Plattsburg moved to Burlington. There was but a small proportion of our magazines at Plattsburg; they are principally at Burlington and White Hall.

Yours, with respect and esteem,

H. DEARBORN.

HON. JOHN ARMSTRONG.

Extract of a letter from Major General Dearborn to the Secretary of War, dated

MARCH 14, 1813.

"From the most recent and probable information I have obtained, I am induced to believe that Sir George Prevost has concluded that it is too late to attack this place. He undoubtedly meditated a coup-de-main against the shipping here. All the apprehension is now at Kingston. Sir George has visited York and Niagara, and returned to Montreal. Several bodies of troops have lately passed up from Montreal; but such precautions have been taken to prevent their number being ascertained, as to render it impossible to form any accurate opinion of their forces, or even to imagine very nearly what they amount to. From various sources, I am perfectly satisfied

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that they are not in sufficient force to venture an attack on this place, knowing, as they do, that we have collected a fine body of troops from Greenbush and Plattsburg, and that the militia have been called in. We are probably just strong enough on each side to defend; but not in sufficient force to hazard an offensive movement. The difference of attacking and being attacked, as it regards the contiguous posts of Kingston and Sackett's Harbor, cannot be estimated at less than three or four thousand men, arising from the circumstance of militia acting merely on the defensive. I have ordered General Chandler with the 9th, 21st, and 25th regiments, to march for this place; Clark's regiment, and a company of artillery, to be left at Burlington for the present, where the regiment will be filled in a few weeks. I have ordered the recruits for the three regiments that will march for this place to be sent to Greenbush, and Colonel Larned is ordered there to receive them with Backus's dismounted dragoons, and other detachments from Pittsfield."

Extract of a letter from Major General Dearborn to the Secretary of War, dated,

SACKETT'S HARBOR, *March 16, 1813.*

"It was yesterday unanimously determined, in a council of the principal officers, including Commodore Chauncey, that we ought not, under existing circumstances, to make an attempt on Kingston, before the naval force can act. The harbors in this lake will not probably be open so as to admit of the vessels being moved until about the 15th of April."

Extract of a letter from Major General Dearborn to the Secretary of War, without date, proposing to pass by Kingston, and attack York, &c.

"To take or destroy the armed vessels at York will give us the complete command of the Lake. Commodore Chauncey can take with him ten or twelve hundred troops, to be commanded by Pike; take York, from thence proceed to Niagara, and attack Fort George by land and water, while the troops at Buffalo cross over and carry Forts Erie and Chippewa, and join those at Fort George, and then collect our whole force for an attack on Kingston. After the most mature deliberation, the above was considered by Commodore Chauncey and myself as the most certain of ultimate success."

Extract of a letter from the Secretary of War to Major General Dearborn, dated

WAR DEPARTMENT, *March 29, 1813.*

"Your despatches of the 11th and 14th instant from Sackett's Harbor, and one of the 22d, from Albany, have been received. The correspondence between you and Major Murray, in relation to an exchange of prisoners, has been referred to the Department of State. The alteration in the plan of campaign, so as to make Kingston the last object, instead of making it the first, would

appear to be necessary, or at least proper; but the force assigned to the attack of the upper posts, is believed to be too small.

"Accident may prevent a co-operation of the corps at Buffalo. That sent from Sackett's Harbor should have in itself the power of reducing Forts George and Erie, and holding in check the militia who may be sent to support them. The ships can give little aid in the business, except merely in covering the landing. Double the number you propose sending would not be too many. Various considerations recommend the employment of a large and decisive force, and none, that I can think of, dissuade from it. If our first step in the campaign, and in the quarter from which most is expected, should fail, the disgrace of our arms will be complete. The public will lose all confidence in us, and we shall even cease to have any in ourselves. The party who first opens a campaign has many advantages over his antagonist; all of which, however, are the result of his being able to carry his whole force against a part of his enemies. Washington carried his whole force against the Hessians, in New Jersey, and beating them, recovered that moral strength, that self-confidence, which he had lost by many preceding disasters. We are now in that state of prostration that he was in, after he crossed the Delaware; but, like him, we may soon get on our legs again, if we are able to give some hard blows at the opening of the campaign. In this we cannot fail, provided the force we employ against his Western posts be sufficiently heavy. They must stand or fall by their own strength. They are perfectly isolated, and out of the reach of reinforcements; send, therefore, a force that shall overwhelm them—that shall leave nothing to chance. If I had not another motive, I would carry my whole strength, merely that their first service should be a successful one. The good effects of this will be felt throughout the campaign.

"I have hastened to give you these thoughts, under a full conviction of their usefulness; and shall only add, that there is no drawback upon this policy. When the fleet and army are gone, we have nothing at Sackett's Harbor to guard, nor will the place present an object to the enemy.

"How then would it read that we had lost our object on the Niagara, while we had another brigade at Sackett's Harbor doing nothing?"

Extract of a letter from Major General Dearborn, to the Secretary of War, dated

ALBANY, *April 5, 1813.*

"I have this day been honored with your letter of the 29th ultimo. As troops cannot, with safety, be transported from Sackett's Harbor to York, or Niagara, in batteaux or flat-bottomed boats, I must depend on Commodore Chauncey's armed vessels; with one or two other sloops, for the transportation of our troops; and it was considered doubtful, whether more than twelve hundred men could be so conveyed, which number I considered amply sufficient for the two first objects contem-

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plated, but as many as can be transported with safety shall be sent. The co-operation of the troops under General Lewis may be relied on. Boyd and Winder are with him, and nothing but outrageous gales of wind can prevent success.

"The troops from Maryland and Pennsylvania arrived last evening. They, with the other detachments at Greenbush, will proceed towards Lake Ontario within two or three days. As soon as practicable, after sending off the troops, I shall move Westward."

WAR DEPARTMENT, *April 19, 1813.*

SIR: Taking for granted that General Prevost has not been able or willing to reinforce Malden, Erie, and George, and that he has assembled at Kingston a force of "six or eight thousand men," as stated by you, we must conclude that he means to hazard his more western posts, shorten his line of defence, and place his right flank on Lake Ontario.

This arrangement is, no doubt, in consequence of our preparations at Sackett's Harbor. These gave him reason to fear that we meant to cut his line of communication at that point, which, so long as he has a hope of keeping the command of the lake, is one of infinite importance to his views.

The danger, however, now is, that, in the event of the success of our present expedition, he may lose this hope, abandon Kingston, and concentrate his forces at Montreal.

This event is, in my opinion, so probable, as to render necessary a communication of the views of the President, in relation to the movements on your part, (which shall be subsequent to those now making,) on two suppositions:

1st. That the enemy will keep his ground at Kingston; and,

2d. That he will abandon that ground and withdraw from Montreal.

On the first supposition, there is no difficulty in either selecting our object, or the means of pursuing it. We ought to destroy the communication between Kingston and Montreal, by interposing a competent force between the two, and assailing the former by a joint operation of military and naval means.

Local circumstances favor this project. A few armed boats on Lake St. Francis stops all intercourse by water; in which case, cannon, military stores, and articles of subsistence in bulk, cannot be conveyed between Montreal and Kingston.

From Lake Ontario to Ogdensburg we command the navigation of the St. Lawrence by our armed vessels, and, under their protection, our army can be passed over and established on the Canada side, at the point deemed most proper for attack.

On the other supposition, that the British garrison is withdrawn from Kingston to Montreal, the old question of approaching him by Lake Champlain, or by the St. Lawrence, recurs, and ought now to be settled, so that there should be

no unnecessary pause in our operations at a later and more momentous period of the campaign.

The circumstances in favor of the St. Lawrence route are these—

1st. Our force is now upon it.

2d. It furnishes a conveyance by water the whole distance.

3d. The enemy is not fortified on the St. Lawrence side, and has on it no strong outposts, which must be forced, in order to secure our flanks and rear, while engaged in the main attack; and,

4th. By approaching his flank (as this route enables you to do) instead of his front, we compel him to change his position, in which case he must do one of four things; either he must occupy the north side of the river, and give up the south, or he must occupy the south side and give up the north, or he must confine himself to the island, and give up both sides, or lastly, he must occupy both sides, and in this case expose himself to be beaten in detail.

None of these advantages are to be found in approaching him by the other route. Our troops are not upon it; we cannot move by water; his outposts are fortified, and must be carried by assault; his front is the only assailable point, and that is covered by the St. Lawrence; our attack must be made exactly where he wishes it to be made; all his arrangements and defences are, of course, in full operation, nor is he compelled to disturb them in the smallest degree. In a word, we must fight him on his previous dispositions and plans, and not on any of our own.

These reasons are deemed conclusive for preferring the route of the St. Lawrence, and your measures (subsequent to your present expedition) will, therefore, be conformed to this view of the subject.

I am, sir, very respectfully, your obedient servant,

JOHN ARMSTRONG.

Major General DEARBORN.

Extract of a letter from Major General Dearborn to the Secretary of War, dated

SACKETT'S HARBOR, *April 23, 1813.*

"The troops embarked yesterday. Every vessel is crowded with as many men as possible; the total number, 1600, of the best men. I trust we shall sail within one or two hours. If the sails for a new vessel arrive within a day or two, and a small sloop from Oswego, which ought to have been here five days since, one hundred and fifty more men will go in them. The ice did not move out until the 19th; I arrived on the 20th."

HEADQUARTERS, YORK, UPPER CANADA,  
*April 23, 1813.*

SIR: After a detention of some days, by adverse winds, we arrived here yesterday morning, and at eight o'clock commenced landing our troops about three miles westward of the town, and one and a half from the enemy's works.

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The wind was high and in an unfavorable direction for our boats, which prevented the troops landing at a clear field, (the ancient site of the French fort Tarento.) The unfavorable wind prevented as many of the armed vessels from taking such positions as would effectually cover our landing as they otherwise would have done; but everything that could be done was effected. Our riflemen under Major Forsyth first landed under a heavy fire from Indians and other troops. General Sheaffe commanded in person. He had collected his whole force in the woods near where the wind obliged our troops to land, consisting of about seven hundred regulars and militia, and one hundred Indians. Major Forsyth was supported, as promptly as possible, with other troops; but the contest was sharp and severe for near half an hour. The enemy was repulsed by a far less number than their own, and as soon as General Pike landed with seven or eight hundred men, and the remainder of the troops were pushing for the shore, the enemy retreated to their works; and as soon as the whole of the troops had landed and formed on the clear ground intended for the first landing, they advanced through a thick wood to the open ground near the enemy's works, and after carrying one battery by assault, were moving on in columns towards the main works: when the head of the columns was within about sixty rods of the enemy, a tremendous explosion occurred from a large magazine prepared for the purpose, which discharged such immense quantities of stone as to produce a most unfortunate effect on our troops. I have not yet been able to collect the returns of our killed and wounded, but our loss by the explosion must, I fear, exceed one hundred; and among them I have to lament the loss of the brave and excellent officer Brigadier General Pike, who received such a confusion from a large stone as terminated his valuable life within a few hours. His loss will be severely felt. Previous to the explosion, the enemy had retired into town, excepting a party of regular troops, which did not retire early enough to avoid the shock; it is said that upwards of forty of them were destroyed. General Sheaffe moved off with the regular troops, and left directions with the commanding officer of the militia to make the best terms he could. In the meantime, all further resistance on the part of the enemy ceased, and the outlines of a capitulation were agreed on. As soon as I was informed of General Pike's being wounded, I went on shore. I had been induced to confide the immediate command of the troops in action to General Pike from a conviction that he fully expected it, and would be much mortified at being deprived of the honor, which he highly appreciated. Every movement was under my view. Our troops behaved with great firmness, and deserve much applause, especially those who were first engaged, under circumstances that would have tried the firmness of veterans. Our loss in the action in the morning, and in carrying the first battery, was not great, probably about fifty killed and wounded; among them

were a full proportion of officers; and although the enemy had a decided advantage in point of numbers and position at the commencement, their loss was greater than ours, particularly in officers.

It was with the greatest exertion that the small vessels of the fleet could work into the harbor against a gale of wind directly ahead; but as soon as they got in contact with the batteries a tremendous cannonade commenced from 24 and 32-pounders, and was kept up without intermission under a heavy fire from two batteries, until the enemy's batteries were carried or blown up by the explosion, which undoubtedly had a powerful effect on the enemy. I am under the greatest obligations to Commodore Chauncey for his able and indefatigable exertions in every possible manner that could give facility and effect to the expedition. He is equally estimable for deliberate, sound judgment, bravery, and industry. The Government could not have made a more fortunate selection for the important trust he holds. Unfortunately, the enemy's armed ship, the "Prince Regent," left this place for Kingston four days before we arrived. A large ship on the stocks, and nearly planked up, with a large stock of naval stores, was set on fire by the enemy soon after the explosion of the magazine. There are no vessels fit for use in the harbor. A considerable quantity of military stores and provisions remained. We shall not possess the means of transporting the prisoners from this place, and must of course leave them on parole. I hope we shall so far complete the necessary measures at this place in the course of this day as to be able to sail to-morrow for Niagara, by which route I send this by a small vessel, with notice to General Lewis of our approach.

I am, sir, your obedient servant,

H. DEARBORN.

Hon. J. ARMSTRONG, Sec'y of War.

HEADQUARTERS, NIAGARA, May 3, 1813.

SIR: I arrived at this place last evening with Commodore Chauncey in his fast-sailing schooner the *Lady of the Lake*: we left the fleet with the troops on board in York road. The wind has been so unfavorable as to render it impracticable to come to this place with any prospect of effecting a landing.

I have had a conference with Generals Lewis, Boyd, and Winder, at which Commodore Chauncey was present. I did not find the preparations at this place as complete as could have been expected; but as soon as the wind will permit, we shall make a descent. Commodore Chauncey has returned to the fleet, and will sail for this place as soon as he shall judge the wind favorable for crossing and landing the troops. In the meantime we shall be preparing to act in concert. General Boyd will take command of the brigade lately commanded by General Pike. We find the weather on this lake at this season of the year such as to render naval operations extremely tedious and uncertain, especially when we

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have to debark troops on the shore of the lake where there are no harbors. Westerly winds are necessary; we have none but easterly. I have no doubt of ultimate success, unless harassed and dispersed by the elements.

I enclose a return of the killed and wounded. You will observe the loss was very small excepting that produced by the explosion. As nearly as I have been able to ascertain, the loss of the enemy amounted from ninety to one hundred killed, two hundred wounded, and upwards of three hundred prisoners. I have not been able to ascertain precisely the number of the militia put on their parole; I presume it could not be less than five hundred. There was an immense depot of naval and military stores. York was the principal depot for Niagara and Detroit; and, notwithstanding the immense amount which was destroyed by them, we found more than we could bring off. General Sheaffe's baggage and papers fell into my hands. These papers are a valuable acquisition; I have not had time for a full examination of them. A scalp was found in the Executive and Legislative Chamber, suspended near the Speaker's chair, in company with the mace and other emblems of royalty. I intend sending it to you with a correct account of the facts relative to the place and situation in which it was found.

With great respect, I have the honor to be, sir, your most obedient servant,

H. DEARBORN.

HON. J. ARMSTRONG, *Sec'y of War.*

HEADQUARTERS, NIAGARA, May 13, 1813.

SIR: Commodore Chauncey, with the fleet and troops, arrived here on the evening of the 8th, and in the course of the night the troops were debarked in a very sickly or depressed state. A large proportion of the officers and men were sickly and debilitated. It was deemed expedient to give them time to recruit their health and spirits, and in the meantime for the fleet to return to Sackett's Harbor, and take on board one thousand additional troops; and orders were despatched to Utica, Rome, and Oswego, to have the troops at those places forwarded here in boats from Oswego. Backus's corps of light dragoons, about four hundred, principally dismounted, and five hundred of the 11th regiment from Burlington, have been ordered to Sackett's Harbor. These, with three hundred volunteers, and a full company of artillery, are to form a garrison at that place. Additional cannon will be mounted. General Brown of the militia has been requested to hold three or four hundred men of the immediate vicinity in readiness to aid the garrison, in the event of any attack. My intention is to collect the main body of the troops at this place, and as soon as Commodore Chauncey returns, and the forces from Oswego arrive, to commence operations in as spirited and effectual a manner as practicable. This change in the proposed system of operations has been rendered necessary by a long series of the most unfortunate winds

and weather that could have occurred at this season, and such as could not have been contemplated.

Colonel Scott reached this yesterday in boats from Oswego, with three hundred men. He was seven days wind bound in different places; and narrowly escaped the loss of his boats and men. I had expected him on the 3d. I had almost given him up for lost.

General Harrison is invested; and presuming on the uncertainty of events, I shall make calculation of a reinforcement to the enemy of British and Indians from Detroit. We shall be prepared for them; and I shall consider a concentration of their force rather as a fortunate circumstance than otherwise.

I observed in a former letter, that, on my arrival here on the evening of the 2d, the preparations for an immediate co-operation were not as complete as could have been expected. General Lewis was at fourteen miles distance. Winder, with his command, was at Black Rock. The boats had not been transported from Schlosser; not one of the scows completed; the heavy guns and mortars not placed in the batteries; two 18 and two 12-pounders not mounted; but, with all these defects, we should have made an attack on the 4th or 5th, if the fleet had arrived with the troops in health, on the 3d, as was expected.

I have the honor to be, sir, most respectfully, your obedient and humble servant,

H. DEARBORN.

HON. J. ARMSTRONG, *Sec'y of War.*

HEADQUARTERS, FORT GEORGE,  
UPPER CANADA, May 27, 1813.

SIR: The light troops under the command of Colonel Scott and Major Forsyth landed this morning at 9 o'clock. Major General Lewis's division, with Colonel Porter's command of light artillery, supported them. General Boyd's brigade landed immediately after the light troops, and Generals Winder and Chandler followed in quick succession. The landing was warmly and obstinately disputed by the British forces; but the coolness and intrepidity of our troops soon compelled them to give ground in every direction. General Chandler, with the reserve, (composed of his brigade and Colonel Macomb's artillery,) covered the whole. Commodore Chauncey had made the most judicious arrangements for silencing the enemy's batteries near the point of landing. The Army is under the greatest obligation to that able naval commander for his indefatigable exertions, in co-operation in all its important movements, and especially in its operations this day. Our batteries succeeded in rendering Fort George untenable; and when the enemy had been beaten from his position, and found it necessary to re-enter it, after firing a few guns, and setting fire to the magazines, which soon exploded, moved off rapidly by different routes. Our light troops pursued them several miles. The troops having been under arms from one o'clock in the morning were too much ex-

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hausted for any further pursuit. We are now in possession of Fort George and its immediate dependencies; to-morrow we shall proceed further on. The behaviour of our troops, both officers and men, entitles them to the highest praise; and the difference in our loss with that of the enemy, when we consider the advantages his positions afforded him, is astonishing. We had seventeen killed and forty-five wounded. The enemy had ninety killed and one hundred and sixty wounded of the regular troops. We have taken one hundred prisoners, exclusive of the wounded. Colonel Meyers, of the 49th, was wounded and taken prisoner. Of ours only one commissioned officer was killed, Lieutenant Hobart, of the light artillery. Enclosed is the report of Major General Lewis.

I have the honor to be, sir, with great consideration and respect, your most obedient servant,  
H. DEARBORN.

HON. JOHN ARMSTRONG,  
*Secretary of War.*

ON THE FIELD, ONE O'CLOCK,  
May 27, 1813.

DEAR SIR: Fort George and its dependencies are ours. The enemy, beaten at all points, has blown up his magazines and retired. It is impossible at this moment to say anything of individual gallantry. There was no man who did not perform his duty in a manner which did honor to himself and his country. Scott and Forsyth's commands, supported by Boyd's and Winder's brigades, sustained the brunt of the action. Our loss is trifling; perhaps not more than twenty killed, and twice that number wounded. The enemy left in the hospital one hundred and twenty-four, and I sent several on board the fleet. We have also made about one hundred prisoners of the regular forces.

I am, dear sir, your obedient servant,  
MORGAN LEWIS.

Maj. Gen. DEARBORN,  
*Commander-in-Chief Northern Army.*

HEADQUARTERS, FORT GEORGE,  
May 29, 1813.

SIR: General Lewis was ordered to march yesterday morning with Chandler's and Winder's brigades, the light artillery, dragoons, light infantry, and riflemen, in pursuit of the enemy, by the way of Queenstown. I had received satisfactory information that the enemy had made a stand on the mountain, at a place called the Beaver Dams, where he had a deposite of provisions and stores, and that he had been joined by three hundred regulars from Kingston, landed from small vessels near the head of the Lake. I had ascertained that he was calling in the militia, and had presumed that he would confide in the strength of his position, and venture an action, by which an opportunity would be afforded to cut off his retreat.

I have been disappointed. Although the troops from Fort Erie and Chippewa had joined the

main body at the Beaver Dams, he broke up yesterday precipitately, continued his route along the mountain, and will reach the head of the Lake by that route. Lieutenant Colonel Preston took possession of Fort Erie and its dependencies last evening. The fort had been abandoned, and the magazines blown up. I have ordered General Lewis to return without delay to this place, and, if the winds favor us, we may yet cut off the enemy's retreat at York; but, unfortunately, we have plenty of rain but no wind; it may, however, change for the better in a few hours. I shall afford Commodore Chauncey every facility in my power in his preparations for commanding Lake Erie. He is very anxious to return to Sackett's Harbor; for, until his other ship is fitted, it is not certain that he can continue in the command of Lake Ontario. I was the last evening honored with your despatches of the 15th instant. I have taken measures in relation to the twenty-three prisoners who are to be put in close confinement.

I have the honor to be, sir, with high consideration and respect, your obedient servant,  
H. DEARBORN.

HON. JOHN ARMSTRONG,  
*Secretary of War.*

Extract of a letter from Major General Dearborn to the  
Secretary of War, dated

NEWARK, UPPER CANADA, June 4, 1813.

"Chandler and Winder are in pursuit of the enemy, who has halted about fifty-five miles from here. I am still very feeble, and gain strength but slowly."

HEADQUARTERS, FORT GEORGE,  
June 6, 1813.

SIR: I have received an express from the head of the Lake this evening, with the intelligence that our troops were attacked, at two o'clock this morning, by the whole British force and Indians; and, by some strange fatality, though our loss in numbers was small, and the enemy was completely routed and driven from the field, both Brigadier Generals Chandler and Winder were taken prisoners. They had advanced to ascertain the situation of a company of artillery when the attack commenced. General Chandler had his horse shot under him, and was bruised by the fall. General Vincent, their commander, is supposed to have been killed. Colonel Clark was mortally wounded, and fell into our hands with sixty prisoners of the 49th. The command devolved on Colonel Burn, who has retired to the Forty Mile creek. If either of the general officers had remained in command, the enemy would have been pursued and cut up, or if Colonel Burn had been an officer of infantry. The loss of the enemy in killed, wounded, and prisoners, must exceed two hundred and fifty. The enemy sent in a flag next morning, with a request to bury their dead. Generals Lewis and Boyd set off immediately to join the advanced army. I never so severely felt the want of health as at present,



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at a time when my services might, perhaps, be most useful. I hope General Hampton will repair here as soon as possible.

With great respect, I have the honor to be, sir, your most obedient servant,

H. DEARBORN.

HON. JOHN ARMSTRONG,  
*Secretary of War.*

JUNE 8, 1813.

There was a mistake in the arrival of the express mail. Since writing the above, the enemy's fleet has passed, consisting of two large ships and four heavy schooners. I have, consequently, deemed it prudent to concentrate the forces at this point.

H. D.

HEADQUARTERS, FORT GEORGE,  
*June 8, 1813.*

SIR: I have been honored with your letters of the 26th and 27th ultimo, and a duplicate of one of the 19th of April. My ill state of health renders it extremely painful to attend to the current duties; and, unless my health improves soon, I fear I shall be compelled to retire to some place where my mind may be more at ease for a short time. Colonel Macomb proceeded with two hundred men, with the Commodore, to Sackett's Harbor. Lieutenant Colonel Ripley has also gone, by the way of Oswego, to the harbor, with his regiment, where he will be joined by several hundred recruits; he took charge of the provisions to Oswego. The Commodore will not probably venture out until his new ship is fit for sea. The enemy has now the command of the Lake, and, as long as that is the case, any offensive operations below this must be suspended. I had intended placing a small garrison at Fort Erie, and a stronger one at Fort George; but, as you have directed otherwise, I shall select Fort George, as guarding the only harbor on the southern shore of the Lake. Detroit will be the safest harbor on Lake Erie. I have, by the request of Commodore Chauncey, detached two hundred men to aid Captain Perry in removing his armed vessels from Black Rock to Presque Isle. Commodore Chauncey is unwilling to approach Malden, unless he can have a reinforcement to General Harrison of our regulars. As my command does not extend to Malden, I ask your directions on this subject. The Commodore is anxious that his fleet on Lake Erie should proceed with troops to Michilimackinac and St. Joseph, as soon as the business shall be decided at Detroit. On taking possession of this place, the inhabitants came in in numbers, and gave their paroles. I have promised them protection. A large majority are friendly to the United States, and fixed in their hatred against the Government of Great Britain. If they should generally be made prisoners of war, and taken from their families, it would have a most unfavorable effect on our military operations in the provinces. The whole country would be driven to a state of desperation, and satisfy them, beyond a doubt, that we had no intention of holding the provinces. The same effect would be

produced on the Indians, who are now principally quiet for fear of losing their valuable tract of land on Grand river. I had authorized the civil magistrates to combine in the due exercise of their functions, and cannot, with propriety, revoke this authority, unless specially directed.

The whole of our troops, officers, and men, in the action of the 27th, discovered a degree of ardor and readiness for action, which evinced a determination to do honor to themselves and country. The animating example set by Colonel Scott and General Boyd, in landing and repulsing the enemy, deserves particular mention. I am greatly indebted to Colonel Porter, Major Armistead, and Captain Totten, for their judicious arrangements and skilful execution in demolishing the enemy's forts and batteries, and to the officers of the artillery generally, who had the direction of the guns.

I have the honor to be, with great respect, your most obedient servant,

H. DEARBORN.

HON. JOHN ARMSTRONG,  
*Secretary of War.*

Extract of a letter from Major General Morgan Lewis to the Secretary of War, dated

NIAGARA, *June 14, 1813.*

"You will perceive, by the enclosed copy of orders, marked 1, that General Dearborn, from indisposition, has resigned the command, not only of the Niagara army, but of the district. I have doubts whether he will ever again be fit for service. He has been repeatedly in a state of convalescence, but relapses on the least agitation of mind.

"In my last, I mentioned the unfortunate circumstance of the capture of our two Brigadiers, Chandler and Winder. The particulars are detailed in the report of Colonel Burn, marked 2, which he gives from the best information he could collect. His corps lay a considerable distance from the scene of active operation, as you will perceive by the enclosed diagram. The light corps spoken of, were Captains Hindman's, Nicholas's, and Biddle's companies, of the 2d artillery, serving as infantry. These three gentlemen, and Captains Archer and Towson, of the same regiment, and Leonard of the light artillery, are soldiers who would honor any service. Their gallantry, and that of their companies, was equally conspicuous on this occasion as in the affair of the 27th ultimo. A view of General Chandler's encampment will be sufficient to show that his disaster was owing to its arrangement; its centre being its weakest point, and that being discovered by the enemy in the evening, received the combined attack of his whole force, and his line was completely cut. It is said, though I cannot vouch for its truth, that General Winder saw this, and remonstrated against it. The gallantry of the 5th, 25th, and part of the 23d, and light troops, saved the army; of the 5th, it is said, that, when the day broke, not a man was missing; and that a part of the 23d, under Major Armstrong, was

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found sustaining its left flank. Their fire was irresistible, and the enemy was compelled to give way. Could he have been pressed the next morning, his destruction was inevitable. He was dispersed in every direction, and even his commanding General was missing, without his hat or horse. I understand he was found the next evening, almost famished, at a distance of four miles from the scene of action.

"Lieutenant McChesney's gallantry recovered a piece of artillery, and prevented the capture of others. He merits promotion for it.

"On the evening of the sixth of June, I received the order No. 4, and joined the army at five in the afternoon of the 7th. I found it at the Forty Mile creek, ten miles in the rear of the ground on which it had been attacked, encamped on a plain of about a mile in width, with its right flank on the Lake, and its left on the creek, which skirts the base of a perpendicular mountain of considerable height. On my route, I received Nos. 5 and 6, enclosed,

"At 6 in the evening, the hostile fleet hove in sight, though its character could not be ascertained with precision. We lay on our arms all night. At dawn of day struck our tents, and desecrated the hostile squadron abreast of us, about a mile from the shore. Our boats, which transported the principal part of our baggage and camp equipage, lay on the beach; it was a dead calm; and, about six, the enemy towed in a large schooner, which opened her fire on our boats. As soon as she stood for shore, her object being evident, I ordered down Archer's and Towson's companies, with four pieces of artillery, to resist her attempts. I, at the same time, sent Captain Totten, of the engineers, (a most valuable officer,) to construct a temporary furnace for heating shot, which was prepared and in operation in less than thirty minutes. Her fire was returned with a vivacity and effect (excelled by no artillery in the universe) which soon compelled her to retire. A party of savages now made their appearance on the brow of the mountain, (which, being perfectly bald, exhibited them to view,) and commenced a fire on our camp. I ordered Colonel Chrystie to dislodge them, who entered on the service with alacrity, but found himself anticipated by Lieutenant Eldridge, the adjutant of the regiment, who, with a promptness and gallantry highly honorable to that young officer, had already gained the summit of the mountain with a party of volunteers, and routed the barbarian allies of the Defender of the Christian Faith. This young man merits the notice of Government.

"These little affairs cost us not a man. Sir James L. Yeo, being disappointed of a tragedy, next determined, in true dramatic style, to amuse us with a farce. An officer with a flag was sent to me from his ship, advising me that, as I was invested with savages in my rear, a fleet in my front, and a powerful army on my flank, he, and the officers commanding His Britannic Majesty's land forces, thought it a duty to demand a surrender of my army. I answered that the message was too ridiculous to merit a reply. No. 7 was

delivered to me at about six this morning. Between seven and eight o'clock, the few wagons we had being loaded, first with sick, and next with ammunition, &c., the residue of camp equipage and baggage was put in the boats, and a detachment of two hundred men of the 6th regiment detailed to proceed in them. Orders were prepared to be given them to defend the boats, and, if assailed by any of the enemy's small vessels, to carry them by boarding. By some irregularity which I have not been able to discover, the boats put off without the detachments, induced probably by the stillness of the morning. When they had progressed about three miles, a breeze sprung up, and an armed schooner overhauled them. Those who were enterprising kept on and escaped; others ran to the shore, and deserted their boats. We have lost twelve of the number, principally containing the baggage of the officers and men.

"At ten, I put the army in motion on our return to this place. The savages and incorporated militia hung on our flanks and rear throughout the march, and picked up a few stragglers. On our retiring, the British army advanced, and now occupies the ground we left."

Papers referred to by General Lewis.

HEADQUARTERS, NIAGARA, June 6, 1813.

DEAR GENERAL: You will please to proceed, with as little delay as may be, and take command of the advanced army. Brigadier Generals Boyd and Swartwout, and Colonel Scott, will accompany you. I have ordered an additional escort of light artillery, to be equipped as cavalry, to attend you. You will attack the enemy as soon as practicable; your force will insure success. Every possible effort should be made for preventing the enemy's escape.

May success and glory attend you.

Yours, with esteem,

H. DEARBORN.

Major General LEWIS.

NIAGARA, June 6, 1813.

DEAR GENERAL: A ship having appeared this morning steering towards the head of the Lake, which is undoubtedly one of the enemy's ships, (others are appearing,) you will please to return with the troops to this place as soon as possible.

Yours, with esteem,

H. DEARBORN.

P. S. The object of the enemy's fleet must be intended to cover the retreat of their troops, or to bring on a reinforcement.

H. D.

Major General LEWIS.

JUNE 6, 1813.

It is possible the fleet in sight may be our own; a few hours will probably enable you to determine and act accordingly.

General LEWIS.

H. DEARBORN.

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DEAR GENERAL: I am induced to suspect that the enemy's fleet have an intention on this place. Two small schooners have been examining the shore very minutely for three or four hours this afternoon. They have gone on towards the head of the Lake, and their ships appear to have taken the same course. They may take on board additional troops near the head of the Lake, and be here before you reach this place. You will please to send Milton's detachment, and 500 of Chandler's brigade, and Colonel Burn's light dragoons, with all possible despatch; they ought, if possible, to be here sometime to-morrow forenoon. You will follow with the remainder of the troops as soon as practicable. It will be necessary to take care that your boats are not taken or lost. General Swartwout and Colonel Scott should return as soon as they can.

Yours, with esteem,

H. DEARBORN.

General LEWIS.

HEADQUARTERS, FORT GEORGE,  
June 10, 1813.

By reason of the temporary indisposition of Major General Dearborn, the command of the troops on this frontier, and of the ninth military department of the United States, devolves on Major General Lewis. All persons concerned are notified accordingly.

By command.

W. SCOTT, *Adj. General.*

Extract of a letter from Colonel James Burn, 2d light dragoons, to Major General Dearborn.

"In the afternoon of the 5th, our advance guard, consisting of the light infantry, under the command of Captains Hindman, Biddle, and Nicholas, a part of the rifle corps, under Captain Lytle, and a detachment of the 2d dragoons, under Capt. Selden, commenced a sharp skirmish with the advance of the enemy, said to be a detachment of the 49th regiment, which soon retreated, covered by a thick woods, having, however, several wounded on both sides, and one dragoon horse killed. In the evening, our advance returned behind Stony creek, where the army took a position for the night. The light infantry, and part of the rifle corps on the right of the 25th regiment, formed the right wing. The artillery, under Captains Towson and L. Leonard, the centre. The 5th, 16th, 23d, and some riflemen, the left wing, and the cavalry in the rear. A strong picket guard was posted some distance in front, also strong flank and rear guards, in such manner as to surround the whole encampment with sentinels; the troops lay under arms, without any covering. Our numbers in the field did not exceed one thousand—three hundred effectives of the 13th and 14th regiments having encamped on the borders of the Lake, about three miles distant, for the protection of the boats. The enemy forced our picket, and attacked us, about two o'clock in the morning, (which was very dark,)

with their army and Indians, expecting, no doubt, to throw us into confusion. Their views were, in this instance, however, completely frustrated; and, when the day dawned, none were to be seen, except their killed and wounded, who covered the field of battle. The attack began on our right, and was gallantly repelled by the fire of the light troops and 25th regiment, commanded by Major Smith. In a few minutes, it became general along the whole line, and was nobly returned by the artillery of the centre, commanded by Captains Towson and L. Leonard, and again by the troops of the left wing, viz: the 5th, under Lieutenant Colonel Milton, the 23d, commanded by Major Armstrong, and the 16th. The fire continued, with little intermission, for one hour, during which time, the enemy attempted, by frequent charges, to break our line, but without effect, being obliged to give way by the well-directed fire of our brave troops.

"The 13th and 14th regiments (which had been detached the preceding evening) were active in making prisoners, and advanced with much ardor to the field, in hopes of sharing, with the gallant 5th, and 25th, 23d, and light troops, the glory of another combat. But the unfortunate capture of Brigadier Generals Chandler and Winder, who were taken in the action, unknown to any part of the army, and hurried into the enemy's lines, prevented the future operations from being carried into effect with the promptitude which would assuredly have taken place had either of those officers been present to command.

"You will be surprised to find our loss so small; that of the enemy exceeds ours much; they lost in killed about sixty, many wounded, and upwards of seventy prisoners, all regulars, and principally of the 49th regiment. Several of their officers were killed, wounded, and missing. A flag was sent by Colonel Hervey, asking permission to make inquiries for them; also, to be allowed to send a surgeon to attend their own wounded, which I readily granted. On the return of daylight, I found the command of the army had devolved on me, and, being at a loss what steps to pursue in the unpleasant dilemma, occasioned by the capture of our Generals, finding the ammunition of many of the troops nearly expended, I had recourse to a council of the field officers present, of whom a majority coincided in opinion with me, that we ought to retire to our former position at the Forty Mile creek, where we could be supplied with ammunition and provisions, and either advance or remain, until further orders.

"Every aid was afforded by the staff. The assistant Adjutant General, Major Johnston, and Brigade Majors Jones and Wartenby, exerted themselves in rendering all the assistance in their power.

"The army, on this occasion, has proved its firmness and bravery, by keeping its position in a night attack, in which the yells of the Indians, mingled with the roaring of cannon and musketry, were calculated to intimidate. The enemy charged repeatedly, and so dark was the night, that our army could not distinguish friend from

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foe; in one of those, they succeeded in carrying off a six-pounder, a howitzer, and a caisson, to the great mortification of our brave artillery. I presume it was on that occasion, also, that we lost our Generals, who were distinctly heard encouraging our men to fight. The squadron of dragoons remained formed, and steady at their post, but could not act, on account of the darkness of the night, and the thickness of the adjacent woods. Much credit is due to the troops, generally, but too much praise cannot be said of the conduct of the 5th and 25th regiments."

MONTREAL, June 18, 1813.

SIR: I deem it my duty to improve the earliest opportunity possible to give you a more detailed account of the affair of the 6th instant, near Stony creek, than I have before had it in my power to do.

On the morning of the 5th, I arrived at Forty Mile creek. The detachment under Gen. Winder was then under marching orders for Stony creek. After a short halt, the whole marched for that place, and arrived there between five and six o'clock P. M., at which place a small picket of the enemy was posted, but retired on our approach. The advanced guard pursued, and soon fell in with a picket of about one hundred strong, under Colonel Williams. A skirmish ensued. I hastened the main body. Williams retreated, and our advance pursued. The pursuit was continued rather longer than I could have wished, but returned to their proper position in the line of march, not far from sunset. I had ordered the 13th and 14th, who were in the rear, to take a position for the night near the mouth of the creek, to cover the boats, (should they arrive,) which would be on the route which I intended to pursue the next morning; and, a favorable position presenting itself, I encamped with the residue of the troops (except Captain Archer's company of artillery) which accompanied the 13th and 14th on the spot where we had halted, with an advanced picket from half to three-quarters of a mile in front, with express orders for them to keep out constantly a patrol. A right and left flank guard and a rear guard were also posted. I gave positive orders for the troops to lay on their arms. Contrary to my orders, fires were kindled; but there are doubts whether this operated for or against us, as the fires of the 25th, which were in front, and by my orders had been abandoned, enabled us to see a small part of the enemy, while the fires on our left enabled the enemy to see our line. On the whole, I think it operated against us. I did expect the enemy would attack us that night, if he intended to fight; but, perhaps, this was not expected by all. I had my horse confined near me, and directed that the harness should not be taken from the artillery horses. I directed where and how the line should be formed, in case of attack. About an hour before daylight, on the morning of the 6th, the alarm was given. I was instantly up, and the 25th, which lay near me, was almost as instantly formed, as well as the 5th and 23d, which were on the left, under the

immediate eye of General Winder. Owing to the neglect of the front picket, or some other cause, the British officers say that they were not hailed, nor an alarm given, until they were within three hundred yards of our line. The extreme darkness prevented us from seeing or knowing at what point they intended to attack us, until an attack was made on our right. A well-directed fire was opened upon them from the 25th, and from nearly the whole line. After a few minutes, I heard several muskets in our rear, in the direction of the rear guard, and then expected that the enemy had gained our rear by some path unknown to me, and were about to attack us in rear. I instantly ordered Colonel Milton, with the 5th, to form in our rear near the woods, to meet such circumstances as might take place, knowing that I could call him to any other point, if necessary, at any moment. I had observed that the artillery was not covered, and directed General Winder to cause the 23d to be formed so far to the right that their right should cover the artillery. At this moment, I heard a new burst of fire from the enemy's left on our right, and, not able to see anything which took place, I set out full speed towards the right to take measures to prevent my right flank from being turned, which I expected was the object of the enemy. I had proceeded but a few yards, before my horse fell under me, by which fall I received a serious injury. Here was a time when I have no recollection of what passed, but I presume it was not long. As soon as I recovered, I recollected what my object was, and made my way to the right, and gave Major Smith such directions as I thought proper to prevent his right from being turned by surprise. I was then returning toward the centre, and, when near the artillery, heard men, who, by the noise, appeared to be in confusion, it being the point at which I expected the 23d to be formed. I expected it was that regiment. I approached them, and, as soon as I was near enough, I saw a body of men, who I thought to be the 23d, in rear of the artillery, broken. I hobbled in amongst them, and began to rally them, and directed them to form; but I soon found my mistake; it was the British 49th, who had pushed forward to the head of their column, and gained the rear of the artillery. I was immediately disarmed, and conveyed down the column to its rear. It was not yet day, and the extreme darkness of the night, to which was added the smoke of the fire, put it totally out of our power to see the situation of the enemy. This was all that saved their columns from sure and total destruction, of which some of their officers are aware. After seeing the situation of the column as I passed, I did hope and expect that General Winder, on the first dawn of light, would see their situation, and bring Colonel Milton with the 5th (who I had still kept in reserve, until I could have daylight to discern their situation) to attack this column, which, I am sure, he would have done to advantage; but, to my mortification, I soon learned that he had fallen into the same mistake with myself; and, by endeavoring to learn what was

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taking place in the centre, he was also taken, as well as Major Van De Venter. To the extreme darkness of the night, the enemy's knowledge of his intended point of attack, and our not knowing at what point to expect him, must be attributed his partial success, and not to a want of strength or bravery in our troops, who generally behaved remarkably well under all the circumstances; and, however unfortunate the event, as it relates to myself, I only ask that all the circumstances may be taken into consideration in making up your opinion upon the conduct of Gen. Winder and myself in this affair, which I am sure you will do, and I flatter myself you will see no cause of censure. I regret that my decrepit situation, and the rapidity with which we have been brought to this place, has put it out of my power to give you a detailed account of the affair earlier. I am now able to walk some with the aid of a cane, and hope I shall continue to recover.

I have the honor to be, &c.

JOHN CHANDLER,  
*Brigadier General.*

Major General DEARBORN.

HEADQUARTERS, FORT GEORGE,  
June 12, 1813.

SIR: As the General is unable to write, I am directed by him to inform you, that, in addition to the debility and fever he has been afflicted with, he has, within the last twenty-four hours, experienced a violent spasmodic attack on his breast, which has obliged him to relinquish business altogether, and the command is given over to Major General Lewis, who will, in future, make the necessary communications to the Department of War. The British fleet still rides triumphant in this section of the lake.

I have the honor to be, sir, with great respect and consideration, your obedient and humble servant,

SAMUEL S. CONNER,  
*A. D. C. to Gen. Dearborn.*

Hon. Gen. ARMSTRONG, *Sec'y of War.*

Extract of a letter from the Secretary of War to Major General Dearborn, dated

WAR DEPARTMENT, June 19, 1813.

"Your letters of the 6th and 8th instant have been received. There is, indeed, some strange fatality attending our efforts. I cannot disguise from you the surprise occasioned by the two escapes of a beaten enemy: first, on the 27th ultimo, and again on the 1st instant. Battles are not gained when an inferior and broken enemy is not destroyed. Nothing is done, while anything that might have been done is omitted. This maxim is as old as the profession of arms, and in no walk of life applies with as much force as in that of a soldier.

"Should Proctor have retired from Malden, and been able to effect a junction with Vincent's corps at the head of the Lake, it has been done for one of two purposes: either to dispute with you the possession of the peninsula, or more se-

curely to effect the general retreat to Kingston. The latter is the more probable conjecture of the two, and is strengthened by the appearance of Yeo on the upper part of the Lake, and by the position which Vincent has taken there."

Extract, dated

HEADQUARTERS, FORT GEORGE,  
June 20, 1813.

"SIR: I have been so reduced in strength as to be incapable of any command. Brigadier General Boyd is the only general officer present; and, from resignations, sickness, and other contingencies, the number of regimental officers present, fit for duty, are far below what the service requires. A considerable proportion of our army being composed of new recruits, and the weather having been extremely unfavorable to health, the sick have become so numerous, in addition to the wounded, as to reduce the effective force far below what could have been contemplated; but if the weather should become favorable, which ought to be expected, a great part of the sick will probably be fit for duty in a short time. The enemy have been reinforced at the head of the Lake with about 500 men of the 104th regiment. A vessel carrying ammunition and other munitions of war, bound to the head of the Lake, was captured, four days since, by one of Commodore Chauncey's schooners, from which I conclude, that the enemy will endeavor to keep up such a force at or near the head of the Lake, as to prevent any part of our force in this quarter from joining, or proceeding to Sackett's Harbor, for the purpose of attacking Kingston; and such is the state of the roads in this flat country, in consequence of continual rains, as to render any operations against the enemy extremely difficult, without the aid of a fleet for the transportation of provisions, ammunition, and other necessary supplies. The enemy would probably retreat on our approach, and keep out of our reach, being covered by one or more armed vessels, which remain on this part of the Lake. The whole of these embarrassments have resulted from a temporary loss of the command of the Lake. The enemy has availed himself of the advantage, and forwarded reinforcements and supplies."

Extract of a letter from the Secretary of War to Major General Dearborn, dated

WAR DEPARTMENT, July 1, 1813.

"The leisure you now have offers a fine opportunity for the adjutants and inspectors general to attend to their particular duties. Some of the parties of which you speak, from the enemy, may practise a trick on those who follow them. These last ought to be very circumspect. Chauncey will, I hope, soon reappear on the Lake. A battle will then decide which of us shall be victor for the campaign. I am afraid that we have all along acted on a belief, very pleasing, but ill founded, viz: that we were ahead of the enemy as to naval means and naval preparation on the Lakes. Are

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we sure that our calculations with regard to Lake Erie have been better than those with regard to Lake Ontario? A week or two will decide this question."

HEADQUARTERS, FORT GEORGE,  
June 25, 1813.

SIR: I have the mortification of informing you of an unfortunate and unaccountable event, which occurred yesterday. On the 23d, at evening, Lieutenant Colonel Boerstler, with 570 men, infantry, artillery, cavalry, and riflemen, in due proportion, was ordered to march, by the way of Queenstown, to a place called the Beaver Dams, on the high ground, about eight or nine miles from Queenstown, to attack and disperse a body of the enemy collected there for the purpose of procuring provisions, and harassing those inhabitants who are considered friendly to the United States. Their force was, from the most direct information, composed of one company of the 104th regiment, above 80 strong; from 150 to 200 militia; and from 50 to 60 Indians. At eight o'clock yesterday morning, when within about two miles of the Beaver Dams, our detachment was attacked from an ambuscade, but soon drove the enemy some distance into the woods, and then retired to a clear field, and sent an express for a reinforcement, saying he would maintain his position until reinforced. A reinforcement of 300 men marched immediately, under the command of Colonel Chrystie; but on arriving at Queenstown, Colonel Chrystie received authentic information that Lieutenant Colonel Boerstler, with his command, had surrendered to the enemy, and the reinforcement returned to camp. A man who belonged to a small corps of mounted volunteer riflemen came in this morning, who states that the enemy surrounded our detachment in the woods, and towards twelve o'clock commenced a general attack; that our troops fought more than two hours, until the artillery had expended the whole of its ammunition, and then surrendered; and at the time of the surrender, the informant made his escape. Why it should have been deemed proper to remain several hours in a position surrounded with woods, without either risking a decisive action, or effecting a retreat, remains to be accounted for, as well as the project of waiting for a reinforcement from a distance of fifteen or sixteen miles.

No information has been received of the killed or wounded. The enemy's fleet has again arrived in our neighborhood.

With respect and esteem, I am, &c.,

H. DEARBORN.

Hon. JOHN ARMSTRONG,  
*Secretary of War.*

WAR DEPARTMENT, July 6, 1813.

SIR: I have the President's orders to express to you his decision that you retire from the command of district No. 9, and of the troops within

the same, until your health be re-established, and until farther orders.

I have the honor to be, &c.,

JOHN ARMSTRONG.

Major General HENRY DEARBORN.

*Correspondence between the Secretary of War and Brigadier General Boyd.*

Extract of a letter from the Secretary of War to Brigadier General Boyd, dated

WAR DEPARTMENT, July 30, 1813.

"The restriction put upon you with regard to the enemy was but commensurate with their command of the Lake. So long as they had wings, and you had only feet, so long as they could be transported, supplied, and reinforced, by water, and at will, common sense, as well as military principles, put you on the defensive. These circumstances changed, the reason of the rule changes with them; and it now becomes your business, in concert with the fleet, to harass and destroy the enemy, wherever you can find him. Of the competency of your force there can be no doubt, provided your estimate of his be but tolerably correct."

WAR DEPARTMENT, July 30, 1813.

SIR: I have this moment received information that Fort Meigs is again attacked, and by a considerable regular force. This must have been drawn from De Rottenberg's corps. His late insolence in pushing his small attacks to the very outline of your works has been intended to mask the weakness produced by this detachment. If, as you say, you can beat him, do it without delay; and remember, that, if you beat, you must destroy him. There is no excuse for a General who permits a beaten enemy to escape and to rally. These remarks grow out of some recent events in your quarter, and require no explanation. It is the President's wish that you should communicate fully and freely with Brigadier General Williams. It is only by this kind of intercourse that the efforts of all can be united in promoting the public good.

I am, very respectfully, your most obedient humble servant,

JOHN ARMSTRONG.

Brig. Gen. BOYD, *Fort George.*

Extract of a letter from Brigadier General John P. Boyd to the Secretary of War, dated

HEADQUARTERS, FORT GEORGE,  
July 27, 1813.

"I had the honor to address you last on the 24th instant. On the 22d instant, General Lewis and Commodore Chauncey were advised by me that, from intelligence received from Major Chapin and deserters, most of the enemy's captured ordnance, and their principal depot of ammunition, stores, &c., are at the head of the Lake. It was suggested that a small force might surprise,



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take, destroy, or bring them off, if part of the fleet might be allowed to assist in moving our troops.

"Yesterday the Lady of the Lake brought me a letter from Commodore Chauncey, stating that he approved of the enterprise, and would go himself with his fleet to the head of the Lake, and requested guides, information, &c. I have deemed it proper to detail a number of troops, under the command of Colonel Scott, which will embark on board the Lady of the Lake, with directions to join the squadron, which is believed to be now somewhere near Little York."

Extract of a letter from Brigadier General Boyd to the Secretary of War, dated

FORT GEORGE, July 31, 1813.

"I had the honor to address you on the 27th instant. Agreeably to the plan therein suggested, Commodore Chauncey arrived here on the 28th instant, and received on board the fleet a body of men under the command of Colonel Scott. Light and contrary winds retard their progress up the Lake, but ere this the attack has probably been made on the head of the Lake. No information has as yet been received.

"The enemy has lately kept his Indians so constantly scouring the woods of our vicinity, that we gain no deserters nor intelligence of his movements."

Colonel Scott's Report.

FORT GEORGE, August 3, 1813.

SIR: I have the honor to report that, in obedience to your orders, I proceeded on board the fleet with the detachment of troops under my command, destined to act against the enemy's post at the head of Little Lake, or Burlington bay; in sight of which place I arrived late in the evening of the 30th ultimo, the fleet having been greatly delayed by the almost constant calm which has prevailed since we sailed.

This delay of forty-eight hours, after our destination became obvious to the enemy, enabled him to anticipate our arrival by a reinforcement of 200 men from the nearest posts on this side of the Lake, of which we were early apprized. Nevertheless, Commodore Chauncey, with my concurrence, thought it advisable to land the detachment from the army, together with about 250 marines and seamen from the fleet, (making a total force of about 500 men.) The better to enable us to ascertain the exact force and position of the enemy's camp, the landing was made on the neck of land which nearly cuts off the Little Lake from Lake Ontario. From this point we could plainly discover the enemy's position on Burlington heights, surrounded on three sides by a creek, and in front of an entrenchment and a battery of seven pieces of cannon. The Little Lake or bay is, between those two points, six or seven miles across.

Perceiving the strength of the enemy's position, and learning from the inhabitants that the

force on the heights, independent of the reinforcement above mentioned, was nearly equal to our own, the Commodore determined not to risk an attack, especially as our boats would have been greatly annoyed in the ascent towards the head of the bay by a small schooner of the enemy's, having on board one 18 pound carronade. The channel connecting the two Lakes did not afford water for the passage of either of our schooners. In the above opinion I fully concurred with the Commodore. It may be added, that the enemy received a further reinforcement of 400 men the same evening, by land, from Kingston.

On our return to this harbor, the fleet put into York, at which place we burnt the barracks and public stores, and brought off one piece of ordnance, (24 pounder,) eleven batteaux, and about 400 barrels of flour and hard bread. The barracks and stores had been repaired since the 27th May. Thirty or forty sick and wounded in hospital were paroled, and four prisoners (regulars) brought off. There had been no garrison at the place for the few days previous.

I have the honor to be, &c.,

W. SCOTT,

Colonel commanding detachment.

Brig. Gen. Boyd, Commanding, &c.

Extract of a letter from Brigadier General John P. Boyd to the Secretary of War, dated

HEADQUARTERS, FORT GEORGE, U. C.,

August 8, 1813.

"By Tuesday's mail I had the honor to receive your commands of the 30th instant, and yesterday a number of letters enclosed, which were delivered as directed.

"Conceiving myself at liberty to act offensively on the arrival of the fleet, an expedition was immediately concerted against the enemy, and acceded to by Commodore Chauncey. One thousand was to embark on board the fleet, under the command of Brigadier General Williams, to land at the head of the Lake. The army at this place was to move in two columns against the enemy's front, while General Williams assailed his rear, and cut off his retreat. Yesterday morning, the time when the troops were to have embarked, the enemy's fleet were discovered off this place.

"Commodore Chauncey weighed anchor, approached him, and by every indication that a leeward position would admit, offered to engage."

HEADQUARTERS, FORT GEORGE,

August 12, 1813.

SIR: I had the honor to address you the 8th instant. Unfavorable winds continued to thwart the wishes of Commodore Chauncey to bring the enemy to action; and about the 9th instant he was so unfortunate as to lose, in a squall, two small schooners, which upset. On the night of the 10th a severe cannonade was heard on the Lake, which we ascertained, in the morning, resulted in the loss of two of our smallest schooners. Undiscouraged by these slight disasters

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Commodore Chauncey is still in pursuit of the enemy, resolved to bring him to a general engagement. These circumstances have necessarily delayed the attack upon the enemy, which was contemplated in my last letter. General Porter is assembling a body of volunteers and Indians at Buffalo, with a view to co-operate in this enterprise. He will probably join us soon. Anything which can be done without the co-operation of the fleet shall be attempted. To attack the enemy, without being able to cut off his retreat, would be only beating without capturing him.

I have the honor to be, &c.

JOHN P. BOYD,

*Brigadier Gen'l Commanding.*

Hon. JOHN ARMSTRONG, *Sec'y of War.*

HEADQUARTERS, FORT GEORGE,

*August 15, 1813.*

SIR: I had the honor to address you on the 12th instant; since which time nothing of importance has occurred. Commodore Chauncey has left this part of the Lake, and the enemy have now so far the ascendancy as to render the proposed enterprise against his land force impracticable. Yesterday General Porter arrived at this place with a body of volunteers and Indians, which had been previously assembled at Buffalo. In the event of such an attack as was contemplated, this force would be of infinite service. At present they can only be employed to harass the enemy.

I have the honor to be, &c.

JOHN P. BOYD,

*Brigadier Gen'l Commanding.*

Hon. JOHN ARMSTRONG, *Sec'y of War.*

*Letters from the Secretary of War to General Lewis, commanding at Sackett's Harbor.*

*Extracts of a letter from the Secretary of War to Major General Lewis, dated*

WAR DEPARTMENT, *July 9, 1813.*

"An order was expedited to General Dearborn, yesterday, permitting him to retire from the command of the army and district. Another was sent to Boyd, forbidding him to engage in any affair with the enemy that could be avoided, and subjecting him to the orders of Major General Hampton and of yourself. This last (for Hampton is now the oldest officer in the district) was intended to meet the contingency suggested in my last letter, viz: that if we regained the command of the Lake, and Yeo retired under the guns at Kingston, that this moment of superiority must not be lost, and that, bringing down Boyd's division, a blow might be struck at that place. To favor this enterprise, orders will be sent to General Hampton to push his headquarters to the position held by our army the last campaign on Lake Champlain; and a requisition for ten thousand and militia from the States of New York and Vermont, in reinforcement of this part of the plan, will be superadded.

"The moment Chauncey gets out, our stores along the South shore of the Lake should be brought down to the harbor, and, in that case, your small posts (consisting of regular troops,) drawn into your main body."

WAR DEPARTMENT, *July 3, 1813.*

SIR: It is not merely possible, but probable, that the British fleet in Lake Ontario may, upon the fitting out of the General Pike, refuse a battle, and take shelter under the guns of Kingston, until their new brig shall restore to them the superiority. A question of much importance arises on this supposed state of things. What will be the best possible employment of our force during the period we may be able to command the Lake? Shall we reinforce the troops at Fort George from Sackett's Harbor, and cut off Vincent, or shall we bring from Fort George the mass of the division there, and, uniting them to your present command, attack the enemy at Kingston? If the latter part of the alternative be adopted, two things must be done. A heavy body of militia should be assembled at Ogdensburg, to draw to that point the enemy's attention, and General Hampton should move rapidly and in force against Montreal. Our assembled force at Sackett's Harbor would amount to seven thousand men, independently of the naval means. The enemy's land force at Kingston is about four thousand. Could a successful attack be made here, the fate of the campaign is decided—perhaps that of the war. The object is great; but, in proportion as it is so, the means of effecting it ought to be well considered. From the sketches I have been able to procure of Kingston, and its vicinity, I have no doubt but that the attack should be made on the works which cover the battery on Navy Point. These gained, town, battery, and harbor, are all at your discretion. Beware of dividing your attack; confine it to a single point, but let that point be a commanding one.

Believe me, General, very respectfully, &c.

JOHN ARMSTRONG.

Major Gen. LEWIS, *Sackett's Harbor.*

*Correspondence between the Secretary of War and Major General Harrison.*

*Extract of a letter from the Secretary of War to Gen. William H. Harrison, dated*

WAR DEPARTMENT, *March 5, 1813.*

"I have the honor to acknowledge the receipt of your despatches of the 11th and 20th ultimo.

"The suspension of your movement in advance appears to have been necessary; but, though this may be the case, your demonstrations against Malden should not cease. These you will make in such way as shall be best calculated to keep up the enemy's alarm for the safety of that post, and of the ships of war wintering there. You will be more able to appreciate the value of this policy when I state, that we shall very soon be in motion on the Niagara and St. Lawrence.

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"You did well in stopping the march of the two regiments from Ohio. To have added to your force, so long as your object is restricted to the maintenance of your present position, would have been a very useless expenditure of both public spirit and public money.

"As your campaign is now at an end, and yet nearly approached to that which is coming, it may be proper to communicate to you the President's views in relation to your subsequent movements.

"It would appear that Malden can only be successfully approached by the route you are now upon, at two seasons of the year—mid-Winter and mid-Summer. The former is gone, and to wait for the latter would be hardly less disastrous than defeat itself. What remains for us to do is, to keep our present ground till the Lake opens, and then to approach our object by water, and under convoy of the vessels of war building at Presque Isle. These will be afloat and ready to operate by the middle of May. By the same time boats for the transportation of the troops, a train of artillery, baggage, &c., may be constructed. Cleveland is believed to be the place best fitted for this purpose. It will also be made the depot for the troops to be employed on the expedition, which will be the 24th regiment now at Massac; and three of the twenty new regiments provided by an act of the session of Congress which closed yesterday. Two of these will be raised in the State of Ohio, and the third in that of Kentucky.

"Whatever these troops may fall short of the number and strength contemplated by the laws under which they shall be raised, must necessarily be made up from militia and volunteers; whence will arise the necessity of strictly attending to the progress of enlistments, so that, in the event of their failure, which may be readily foreseen, time may be left for resorting to the other expedient."

*WAR DEPARTMENT, March 7, 1813.*

SIR: Your letter of the 18th of February was, from some cause, delayed much beyond the usual course of the mail, and even some days after the receipt of your despatch of the 20th.

You will find, by my letter of the 5th instant, the plan prescribed for your part of the ensuing campaign; and, to prevent any ill effect arising from its miscarriage, a second copy is herewith enclosed. It is probable that Colonels McArthur and Cass will both be promoted to the rank of Brigadier, and will be assigned to the command of the two brigades intended to form your division of the army. In the enumeration of corps making parts of this division, I did not mention the two regiments of the line, the 17th and 19th, parts of which are already with you. The filling up of these would be an important service, and you are requested to promote it. If you are at ease with regard to the safety of your present post, against the attacks of the enemy, and have secured to yourself the means of subsisting it, there can be no motive for either reinforcing it by new draughts

from the militia, or retiring from it. If, on the other hand, your force should be so reduced as to make your stay perilous, without a further reinforcement, you may employ the two regiments raised in Ohio, or so many of them as may be necessary to your object. If, again, the policy of adding to your force be forbidden, by the difficulty of subsisting it, and there arises a combination of both facts, viz: a want of force to maintain your present position, and a want of means to subsist a larger one, in that case, and in that alone, you will retire to the frontier settlements, and interpose the wilderness between you and the enemy.

These directions have not grown out of any suggestions to be found in your letters, but have been produced by a circumspection which it is always proper to extend beyond the mere limits of existing circumstances.

I am, sir, with great respect, &c.

JOHN ARMSTRONG.

Major Gen. W. H. HARRISON,  
Franklinton, Ohio.

*WAR DEPARTMENT, March 9, 1813.*

SIR: The Government have the intention of building a number of boats on Lake Erie, for the purpose of transporting troops on that Lake. Cleveland is the point farthest West, where any portion of these can be made with sufficient expedition. If the whole could be made there the better. These boats will be of the kind known by the name of Schenectady boats, narrow, and sharp ahead, and flat-bottomed. They will carry from forty to fifty men each, with their baggage, arms, and accoutrements, and provision for the voyage. It is proposed to commit the superintendence of this service to you, and to bestow upon you, *pro hac vice*, the staff appointment of Deputy Quartermaster General. If workmen cannot be found at Cleveland, and other places on the Lake, you will take them from Pittsburg. Such materials as you may want, other than those produced by the country itself, you will provide at Pittsburg, and have sent on without delay. Funds for this purpose will be put under your control, and you will be careful to make reports, weekly, of your progress.

Very respectfully, I am, sir, &c.

JOHN ARMSTRONG.

Captain JESUP, Washington.

Extract of a letter from Major General William H. Harrison to the Secretary of War, dated

HEADQUARTERS, CHILICOTHE,  
March 17, 1813.

"The known candor of your character is a sufficient security for my receiving your pardon for the liberty I take in making objections to the plan of operations communicated in your letter of the 5th instant. If there is a positive certainty of our getting the command of Lake Erie, and having a regular force of three thousand five hundred, or even three thousand, well disciplined men, the proposed plan of setting out from Cleve-

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land, and landing on the Northern shore, below Malden, would, perhaps, be the one by which that place and its dependencies could be most easily reduced. I am unacquainted with the extent of the preparations that are making to obtain the naval superiority upon Lake Erie; but should they fail, and the troops be assembled at Cleveland, it would be difficult to get again upon the proper track for making the attack round the head of the Lake. The attempt to cross the Lake from Cleveland should not be made with any other than well disciplined troops. A comparatively smaller number of men of this description could effect the object, and for those the means of conveyance might be obtained; but the means of transporting such an army as would be required, of militia, or undisciplined regulars, could not be procured. I can see no reason why Cleveland should be preferred as the point of embarkation for the troops, or the deposite of provisions and stores. These are already accumulated at the rapids of Miami, or in situations to be easily sent thither, to an amount nearly equal to the consumption of a protracted campaign. Although the expense and difficulty of transporting the provisions, artillery, and stores for an army, round the head of the Lake, would be very considerable, the Lake being possessed by our ships, and the heavy baggage taken in boats along its margin, the troops would find no difficulty in the land route. The force contemplated in your letter is, in my opinion, not sufficient to secure success. Admitting that the whole should be raised by the time pointed out, they would be very little superior to militia; the officers having, with scarcely an exception, to learn their duty before they could instruct their men; we have, therefore, no alternative, but to make up by numbers the deficiency in discipline.

"I am well aware of the intolerable expense which attends the employment of a large militia force. We are now, however, in a situation to avoid those errors which made that of the last campaign so peculiarly heavy. Our supplies are procured, and so deposited that the period for the march of the army from the advanced posts can be ascertained to an hour, and of course the troops need not be called out until the moment they are to act. Experience has convinced me that militia are more efficient in the early than in the latter part of their service. Upon the whole, it is my decided opinion that the rapids of Miami should be the point of rendezvous for the troops, as well as the principal depot. Indeed it must necessarily be the first deposite; the provisions for the army being so placed that they can be taken to the Lake in no other way. The artillery and a considerable supply of ammunition are already there. Boats and pirogues have been built in considerable numbers on the Auglaize and St. Mary's rivers, and every exertion is now making to increase them, intended for the double purpose of taking down the provisions to the rapids, and for coasting the Lake with the baggage of the army in its advance. I had calculated upon being able partially to use

this mode of transportation, even if the enemy should continue their naval superiority on the Lake; but, with this advantage on our side, the whole baggage of the army could be safely and expeditiously carried along the coast in the boats and pirogues, which could be taken into the strait to transport the army to the Canada shore.

"As I have before observed, the army, unencumbered with heavy baggage, would find no difficulty in marching round the Lake at any season, but what the enemy would create, and we have the means of subsisting a force that would be irresistible.

"The objections to proceeding this way, stated in my letter to Colonel Monroe, arose from the time that would be necessary to construct boats after we should have arrived at the strait; but this objection is entirely obviated by our obtaining the command of the Lake, as the boats and pirogues built upon the Miami will answer the purpose. With regard to the quantum of force, my opinion is, that not only the regular troops designated in your letter, but a large auxiliary corps of militia should be employed. The only objection arises from the expensiveness of troops of that description. This, however, could not be an object, considering the very short time that it would be necessary to employ them. Let the moment for the commencement of the march from the rapids be fixed, and the militia might be taken to that point, proceed and accomplish the object, and return home in two months.

"Among the reasons which make it necessary to employ a large force, I am sorry to mention the dismay and disinclination to the service which appears to prevail in the Western country; numbers must give that confidence which ought to be produced by conscious valor and intrepidity, which never existed in any army in a superior degree than among the greater part of the militia which were with me through the Winter. The new draughts from this State are entirely of another character, and are not to be depended upon. I have no doubt, however, but a sufficient number of good men can be procured, and should they be allowed to serve on horseback, Kentucky would furnish some regiments that would be not inferior to those that fought at the river Raisin, and they were, in my opinion, superior to any militia that ever took the field in modern times. Eight troops of cavalry have been formed in Kentucky to offer me their service; and several of them were intended for twelve months' volunteers. Governor Shelby has some thoughts of taking the field in person—a number of good men will follow him. He thinks that an address from me to the people of the State would produce a good effect. I have strong objections to those addresses, but will, nevertheless, have recourse to one, should other means fail of bringing forward a sufficient force.

"Every exertion shall, in the meantime, be used, to forward the recruiting service; for a few weeks I think that my services would be more useful in that than any other employment."

W. H. HARRISON.

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WAR DEPARTMENT, April 4, 1813.

SIR: Your despatch of the 17th ultimo, from Chillicothe, has been received, and I hasten to repeat to you the views of the President, in relation to the next campaign, and the injunctions growing out of these with regard to the employment of militia, &c.

Our first object is to get a command of the Lakes. Means to accomplish this object have been taken, and we have the fullest assurance that, by the first day of June, it will be accomplished.

This fact assumed, there can be no longer a doubt by what means, or by what route, the division of the army assigned to you, ought to approach Malden. A passage by water will carry you directly to the fortress you would attack, without impairing your strength by fatigue, or diminishing it by battle. A passage by land will, on the other hand, call for great efforts, and expose you to great losses, which, if they do not destroy, will at least cripple you. The former will be easy, safe, and economical; the latter difficult, dangerous, and enormously expensive.

On the other supposition, that we fail to obtain the command of the Lake, a new question will arise: whether the campaign shall take an offensive or defensive character? Be this question determined as it may, the utmost extent which can be given to the force employed, will be seven thousand effectives.

Various reasons determine this point. The enemy have never had in the field, for the defence of Malden, more than two thousand men.

Their number has, no doubt, been hitherto limited by their means of subsistence, and this cause is not likely to suffer any very material change in their favor during the ensuing campaign. More than seven thousand men, therefore, would be unnecessary on our part. Again: to maintain a greater number would be impracticable in the present state of the Treasury.

It now remains only to signify to you, clearly and distinctly, the kind of force the Government mean hereafter to employ, in offensive operations, if it can be obtained.

When the Legislature, at their last session, adopted the measure of augmenting the Army to fifty-two regiments of the line, it was expressly in the view of superseding, hereafter, the necessity of employing militia, excepting in moments of actual invasion. In obedience to this policy, the President assigned to the eighth military district of the United States four of these new regiments, which, if filled, and superadded to the two regiments of the line now in that district, and the 24th, in march for it, will give a total of seven regiments, or seven thousand men. This number forbids the belief that any employment of militia draughts will be necessary, when it shall have been collected. Till, however, this be done, or, at least, till time be given for the experiment, so many militia only are to be called out as shall be necessary for the defence of your posts on the Miami, and of your depots of provision on the Lake. And, should the recruiting service go on

less fortunately in the patriotic States of Kentucky and Ohio than in other parts of the Union, you are, in that case, and in that case only, authorized to call out so many militia draughts as will make good the deficiency, and, organizing these, under the rules already prescribed, await the further orders of the President in your camp at the Rapids.

To these orders I have to add, that you will regard it as your duty to keep this Department regularly and frequently informed of the actual condition of the troops under your command; as well in regard to equipment and supplies of provision and ammunition, as to number, discipline, and health; and that your weekly and monthly reports shall include, also, the state of the ordnance and quartermaster's departments, noting particularly the number of horses and oxen employed by both. You will readily perceive the necessity for giving this order, when I state that no return of any description, from your division of the army, has ever been received at the Adjutant General's office. Your proportion of the new staff has been given to you. Captain Adams has been appointed Assistant Adjutant General, and Mr. Bartlett, Deputy Quartermaster General of your division. The Brigadier Generals McArthur and Cass are employed in superintending the recruiting service. A letter from the latter gives reason to believe that this will go on well in the State of Ohio.

I am, sir, very respectfully, your most obedient servant,

JOHN ARMSTRONG.

Major General HARRISON,  
*Commanding the 8th Military District.*

Extracts of a letter from Major General Harrison to the Secretary of War, dated

HEADQUARTERS, CAMP MEIGS,  
April 21, 1813.

"The plan for future operations, as laid down in your letter of the 4th, is, no doubt, the best that could have been devised in the event of the promised naval success, and a prosperous issue to the recruiting business. My measures will, therefore be entirely directed to the prosecution of the campaign in that way.

"There is nothing to be feared as to the ulterior operations of the campaign.

"I shall cause the movements of the enemy to be narrowly watched; but, in the event of their landing at Lower Sandusky, that post cannot be saved. I will direct it, in such an event, to be evacuated. The stores there are not of much consequence, excepting about five hundred stands of arms, which I will cause to be removed as soon as the roads are practicable; at present it is impossible."

Extract of a letter from the Secretary of War to Major General William H. Harrison, dated

WAR DEPARTMENT, May 8, 1813.

"Your letters of the 21st and 25th ultimo have been received. I never meant that you, or your

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artillery, or stores for the campaign, now collected at Fort Meigs, should be brought back to Cleveland for embarkation. My intention was, that the boats built there should move along the coast, in the wake of the fleet, to Sandusky, or to the very foot of the rapids, if that were practicable and expedient, taking in, on the route, what was wanted. The boats building and built by Major Jesup are not decked, but strong and high-sided, and very competent to the navigation of the Lake, particularly between the chain of islands and the west shore."

Extract of a letter from the same to the same.

WAR DEPARTMENT, May 21, 1813.

"Your future requisitions for ordnance stores will be governed by the quantity on hand at Fort Meigs and Franklinton, and by the number and calibers of the pieces you propose to take with you against Malden. Your whole train, if I am well informed, amounts to thirty-five pieces, of which nine are eighteen pounders.

"The 24th regiment was, on the 10th instant, at Lexington, (Kentucky,) on their way to Cleveland. You will give it any other point of rendezvous you may think proper, and adopt such means to assemble the other parts of your division as will be most advisable. On this head, I would but suggest, that the arrangement which shall best mask your real design, and most impress the enemy with a belief that your march to Malden will be by land, will be the best.

"Clothing for the 26th, 27th, and 28th regiments, has been forwarded from Philadelphia.

"The last accounts of the boats preparing by Major Jesup were favorable. That officer will, necessarily, report to you, and take your orders."

Extract of a letter from the same to the same.

WAR DEPARTMENT, July 14, 1813.

"Orders have been sent to Captain Perry to communicate to you the naval movements, and to concert with you the necessary co-operations.

"Of the militia, you are authorized to take what, in your judgment, will be necessary. Such of the Kentucky militia as are in service would be better than a new draught. There is (of the Pennsylvania militia) one regiment at Erie, armed, equipped, &c. These are subjected to your command."

WAR DEPARTMENT, Aug. 5, 1813.

SIR: The best interpretation of the late movements of the enemy in your quarter, is, that De Routenberg has detached to the aid of Proctor between four and five hundred men, and that, with these, he is attempting to save Malden by attacking Fort Meigs. If this conjecture be well founded, it suggests the true policy on our part, provided the flotilla was over the bar. Go directly to Malden, and leave Mr. Proctor to amuse himself with Fort Meigs. There is no objection to your appointing the sergeants to other offices,

*pro tempore*. Captain Butler has been appointed Major of the 32d regiment, and Lieutenant McGee, Captain in the 42d.

I am, sir, very respectfully, your most obedient servant,

JOHN ARMSTRONG.

Major General HARRISON.

Extract of a letter from Major General William H. Harrison, to the Secretary of War, dated

HEADQUARTERS, SENECA TOWN,

August 22, 1813.

"I am exerting every nerve to complete my preparations for crossing the Lake as soon as I am reinforced by two thousand of the Kentucky militia. That number is indispensable, from the sickly state of the regular troops, of whom I shall think myself fortunate to take with me two-fifths of the aggregate amount."

Extract of a letter from Major General Harrison to the Secretary of War, dated

HEADQUARTERS, SENECA TOWN,

August 29, 1813.

"I shall be able to embark, some day between the 10th and 15th proximo, with upwards of 2,000 regular troops, and 3,000 militia. Every exertion has been, and is continued to be made, to prepare for the contemplated offensive operations; but, as we could not navigate the lake until our flotilla came up, nor accumulate at any point on its margin the stores that were at Upper Sandusky and Fort Winchester, during Proctor's late invasion, it will take the time I have mentioned before the embarkation can be effected. It might be facilitated by moving the troops that are here, immediately to the lake, and then waiting for the Kentucky militia. But so extremely unhealthy is the whole of the Southern shore, from Huron to the river Raisin, that the most fatal effects would follow the keeping the troops upon it, even for a few days. You can form a correct estimate of the dreadful effects of the immense body of stagnant water, with which the vicinity of the Lakes abounds, from the state of the troops at Lower Sandusky. Upwards of ninety are reported on the sick list, out of about two hundred and twenty. Those at Fort Meigs are not much better."

Extract of a letter from Major General William H. Harrison to the Secretary of War, dated

HEADQUARTERS, BASS ISLAND,

September 22, 1813.

"The greater part of the troops are here with me, and the whole will, I believe, be up by twelve o'clock. I shall proceed as far as the Middle Sister, in the course of to-night and to-morrow, and, in the following night get so near the enemy's coast as to land two or three miles below Malden, by eight o'clock in the morning. These prospects may, however, be retarded by adverse winds. Commodore Perry gives me every assistance in his power, but his crews were so much cut up in the late action, that he cannot navigate his vessels without the aid of my men."



*Failure of the Northern Army.*

WAR DEPARTMENT, SACKETT'S HARBOR,  
September 22, 1813.

SIR: Information has reached me, through various but unofficial channels, that Commodore Perry had captured the whole of the British fleet on Lake Erie. If this be true, it is a matter of much personal and public congratulation. It enables you to make sure of Malden, and, as a subsequent measure, to carry your main body down to the lake, and by throwing yourself into De Rotenberg's rear, to compel him to quit his new positions before Fort George. After General Wilkinson shall have left that place, there will be found on the two sides of the Niagara a force amounting to three thousand men, who will be subjected to your orders. By giving this new direction to your operations, you will readily perceive of how much importance it is, in the opinion of the Executive, to be able to expel the enemy from the country lying between the two lakes, Erie and Ontario, than to pursue the Indians into their woody and distant recesses. A few days will put us in motion from this point.

Accept my best wishes, &c.

JOHN ARMSTRONG.

General HARRISON.

HEADQUARTERS, AMHERSTBURGH,  
September 27, 1813.

SIR: I have the honor to inform you, that I landed the army under my command about three miles below this place, at three o'clock this evening, without opposition, and took possession of the town in an hour after. General Proctor has retreated to Sandwich, with his regular troops and Indians, having previously burned the fort, navy yard, barracks, and public store houses. The two latter were very extensive, covering several acres of ground. I will pursue the enemy to-morrow, although there is no probability of overtaking him, as he has upwards of 1,000 horses, and we have not one in the army. I shall think myself fortunate to be able to collect a sufficiency to mount the general officers. It is supposed here that General Proctor intends to establish himself upon the river French, forty miles from Malden.

I have the honor to be, &c.

WM. HENRY HARRISON.

JOHN ARMSTRONG, Esq., Sec'y War.

Extract of a letter from Major General William H. Harrison to the Secretary of War, dated

HEADQUARTERS, MORAVIAN TOWN,  
on the river Thames, Oct. 5, 1814.

"I have the honor to inform you that, by the blessing of Providence, the army under my command has, this evening, obtained a complete victory over the combined Indian and British forces, under the command of General Proctor. I believe that nearly the whole of the enemy's regulars are taken or killed; amongst the former are all the superior officers, except General Proctor. My mounted men are now in pursuit of him. Our loss is very trifling."

Extract of a letter from Major General Harrison to the Secretary of War, dated

HEADQUARTERS, DETROIT, Oct. 16, 1813.

"A detachment of the army, under the command of Brigadier General McArthur, has been for some days waiting at this place for the necessary provisions to proceed to Lake Michigan. I am sorry to inform you, however, that, from the effects of a violent storm, there is now no prospect of accomplishing that desirable object, the reduction of Michilimackinac, this season. It with the greatest regret I inform you, that it is almost reduced to a certainty, that two of our schooners have been lost on Lake Erie, the Chipewa and Ohio; the former loaded with the baggage of the troops from Bass Island, the latter with flour and salt provisions from Cleveland."

"Upon a consultation with the two Brigadiers, and Commodore Perry and Captain Elliot, it was unanimously determined that the season is too far advanced to attempt an expedition to Mackinack, if it were not commenced in two or three days, and there was no hopes of supplies being obtained in that time.

"It is generally believed here, that General Proctor despatched an order to the commanding officer at Mackinack, to destroy the post, and retreat by the way of Grand River. At any rate, it is not a matter of much importance to have that place in our possession during the Winter, cut off as it is from a communication with the rest of the world."

SACKETT'S HARBOR, Oct. 20, 1813.

SIR: The enemy's corps before Fort George broke up their cantonments on the 9th, and marched rapidly for Burlington Bay, which he reached on the 11th. By taking this route he may intend to reinforce Proctor on the river French, or Kingston, at the head of the St. Lawrence. He was apprized of the abandonment of Malden on the fifth.

We are, perhaps, too remote to profit by each other's suggestions; but it does not appear to me that Sandwich is the point at which Proctor will stop, if you pursue him. From Point aux Pins, on Lake Erie, there is a good road, to Chatham, on the Thames; the distance is not more than twenty-four miles. Were this gained, and travelled back to Sandwich, the enemy's means for subsistence might be destroyed, and himself compelled to surrender. But of the practicability of this, you are the best judge. My opinion is suggested by the map.

The first division of this army sailed two days ago. The second and the reserve follow to-day.

Yours, with great respect,

J. ARMSTRONG.

Major General HARRISON.

Extract of a letter from Major General Harrison to the Secretary of War, dated

HEADQUARTERS, ERIE, PA., Oct. 21, 1813.

"Soon after my letter to you of the 16th instant was written, I was informed that a special

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messenger, with despatches from you, had left Bass Island in the schooner Chippewa, which had been driven from the mouth of the Detroit river in a violent storm; and from the circumstance of a quantity of baggage, belonging to the officers, which was known to be on board, being found on the lake shore, she was believed to have been lost. As I had nearly completed the arrangement for a suspension of hostilities with the Indians, although I had no information as to the movement of the army on Lake Ontario, I determined to embark General McArthur's brigade, and the battalion of the United States' riflemen, and proceed with them down the lake, until I could receive some certain information of the movements of the army under General Wilkinson, and what was expected from me. I arrived here this morning, with Commodore Perry, in the Ariel, having left the remainder of the fleet at Bass Island. It is probable they will be here this evening, when we shall immediately proceed to Buffalo."

Extract of a letter from Major General Harrison to the Secretary of War, dated

HEADQUARTERS, BUFFALO, Oct. 24, 1813.

"I have this moment landed at this place, from on board the schooner Ariel, which is one of the seven vessels with which I left Detroit, having on board the greater part of McArthur's brigade, and the detachment of United States' rifle regiment, under Colonel Smith. The other vessels are all, I believe, in sight, and will be up in a short time. The aggregate number of troops with me is about thirteen hundred, but not more than one thousand fit for duty. Before this reaches you, you no doubt will be informed of the loss of your messenger, Captain Brown, with the despatches that were intrusted with him. Not having received your directions, and being entirely ignorant of the state of our military operations in this quarter, I was much at a loss to know how to proceed; but believing that General Cass with his brigade would be able to secure Detroit, and our adjacent conquests, after having concluded an armistice with a greater part of the hostile tribes, I concluded that I could not do better than to move down the lake with the remaining part of the troops. A part of McArthur's brigade is still at Bass Island, where they were left for the want of means of conveyance; and a considerable portion of their baggage was also left from the same cause. Means, however, have been taken to collect, and bring them on.

"I shall move down the troops immediately to Fort George, where I shall await your orders unless an opportunity should previously occur of striking at the enemy. The information I have received here of the situation and movements of the enemy, on the head of Lake Ontario, is vague and contradictory."

WAR DEPARTMENT, WILNA, Oct. 30, 1813.

SIR: I have the honor to acknowledge the receipt of your letters of the fifth and of the twenty-fourth instant.

The despatch by Captain Brown, and which with him was lost in Lake Erie, suggested, as an ulterior movement, the coming down to the Niagara river, putting yourself on the right and rear of De Rottenberg's position before Fort George; while General McClure, with his brigade of militia, volunteers, and Indians, should approach them in front. The enemy seems to have been aware of this, or of some similar movement, as he began his retreat on the ninth, and did not stop until he had gained the head of Burlington Bay, where I understand, by report, he yet is. This is his last strong hold in the peninsula. Routed from this, he must surrender, or make his way down Lake Ontario to Kingston. His force is estimated at twelve or fifteen hundred effectives. The capture or destruction of this corps would be a glorious finale to your campaign. Our operations in this quarter are but beginning, at a time when they ought to have ended.

I shall go on slowly towards Utica, where I may have the pleasure of seeing Adjutant General Gaines.

I am, sir, very respectfully, your obedient servant.

JOHN ARMSTRONG.

Extract of a letter from the Secretary of War to General Harrison, dated

BOONSVILLE, November 3, 1813.

"I have fortunately met Colonel Gaines on the way to his regiment. The deputy paymaster shall have orders to attend to the brigade you have brought with you. Captain Butler will act as your Assistant Adjutant General, and shall receive an appointment as such. The officers of the several corps composing your division, (as well those at Fort George as of General Cass's brigade) not indispensable to the command of the troops now in the field, should be immediately despatched on the recruiting service. I need not invoke your attention to a subject so important to the early and successful opening of the next campaign, and to the extent and character of your particular command. Will the whole of Cass's brigade be wanted to the Westward? In the event of a peace with the savages, a less force will be sufficient; and to hasten and secure this event, the present impressions must be seized. Of the warriors suing for peace, one or more should be sent by the nearest route, and by the most expeditious mode, to the Creek Nation. The story of their defeat by you, and subsequent abandonment by the British, communicated by themselves, would probably have a decided effect on their red brethren of the South, and save us the trouble and expense of beating them into a sense of their own interest. When I wrote to you from Wilna, it was doubtful whether our attack would be made directly upon Kingston or upon Montreal. Reasons exist for our preferring the latter course, and have probably determined General Wilkinson to go down the St. Lawrence. In this case, the enemy will have, at Kingston,

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besides his fleet, a garrison of twelve to fourteen hundred men. Had we not a corps in the neighborhood, these might do mischief, and even render insecure the Winter station of our fleet. To prevent this it is deemed advisable to draw together, at Sackett's Harbor, a considerable military force. There are now at that post between four and five hundred men of all descriptions—sick, convalescent, and effective. Colonel Scott's detachment (about seven hundred) are on their march thither; and it is barely possible that Colonel Randolph's (not arriving in time to move with the army) may be there also. This does not exceed three hundred and fifty. McArthur's brigade added to these, will make a force entirely competent to our object. To bring this brigade down the lake you must have the aid of the fleet, which will be readily given by Commodore Chauncey. On this point I shall write to him, and suggest a communication with you in relation to it.

"This new disposition will render necessary the employment of so many of the militia and volunteers, now in service under General McClure, as you may deem competent to the safe-keeping of Forts George and Niagara, and their dependencies."

HEADQUARTERS, NEWARK,  
November 16, 1813.

SIR: Commodore Chauncey, with the fleet, arrived here yesterday morning, and informed me that he was ready to receive the troops to convey them down the Lake; and that the season was so far advanced, rendering the navigation dangerous to the smaller vessels, that it was desirable they should be embarked as expeditiously as possible. As a very small part of the militia and volunteers had arrived, and the situation of Sackett's Harbor appearing to me to require immediate reinforcement, I did not think proper to take upon myself the responsibility of postponing the departure of the troops for the lower part of the lake, conformably to the directions contained in your letter of the third instant.

The information I received yesterday from two respectable citizens, that were taken near Fort Meigs, in June last, and who made their escape in an open boat from Burlington, confirms me in the propriety of sending them off. These men state the troops were hurrying to Kingston from York as fast as possible. The regulars going down in boats, and the militia bringing the latter back.

The troops are now all embarked, and under the command of Colonel Smith, who is an officer in whose capacity and bravery the greatest reliance may be placed.

I shall set out this evening for the seat of Government.

I have the honor to be, with the highest consideration, sir, your humble servant,

WILLIAM HENRY HARRISON.

Hon. JOHN ARMSTRONG,  
*Secretary of War.*

*Correspondence with Governor Shelby in relation to the Northwestern campaign.*

FRANKFORT, August 1, 1813.

SIR: A few days ago I was honored with a letter from General Harrison, under date of the 20th ultimo, by his Aid-de-camp, Major Trimble. In it he says, that "he had just received a letter from the Secretary of War, authorizing him to call from the neighboring States such numbers of militia as he might deem requisite for the ensuing operations against Upper Canada." In pursuance of that power, he has made a requisition on the Government of Kentucky for reinforcements, and has referred me to Major Trimble for information, &c., and has, in warm terms, solicited my taking the field in person. Much delay would have been the inevitable consequence of ordering out the militia as infantry, in the ordinary mode, by draught. As mounted volunteers, a competent force can, I feel confident, be easily raised. I have, therefore, appointed the 31st of this month, at Newport, in this State, for a general rendezvous of mounted volunteers.

I have the honor of enclosing, for the information of the President, a copy of my address to the militia of this State on the occasion.

The prospect of acting efficiently against Upper Canada will, I have no doubt, call forth a large force to our standard, and they will be immediately marched to the headquarters of the Northwestern army, in such bodies as will best facilitate their movements; when there they can act as foot or mounted, as circumstances may require.

I shall take great pleasure to hear from the President on this subject, previous to my departure from this place, and I request the favor of you to lay this letter immediately before him for his consideration, and that you will be pleased to apprise me of the result by the earliest conveyance.

I have the honor to be, most respectfully, your obedient servant,

ISAAC SHELBY.

Hon. JOHN ARMSTRONG,  
*Secretary of War.*

RED HOOK, NORTH RIVER,  
August 21, 1813.

SIR: I had the honor of receiving your Excellency's letter of the 1st of August, by the Southern mail of yesterday, and of learning from the War Office that a copy of it had been forwarded to the President for his consideration and orders. These will be communicated to your Excellency as promptly as possible.

I have the honor to be, &c.

JOHN ARMSTRONG.

His Ex'cy the GOVERNOR OF KENTUCKY.

NOTE.—It is understood that it was not until the receipt of the above at the War Office, for transmission to Kentucky, that Governor Shelby's letter was sent to the President.

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WAR OFFICE, September 27, 1813.

SIR: In the absence of the Secretary of War, I have the honor to inform your Excellency that the President has been pleased to approve your arrangements, in substituting volunteers for the detached militia required by General Harrison.

The term of service for the detachment under your Excellency must depend on the arrangements of the commanding General, to whom you are referred for the necessary information relative to their duty, and the points where your troops will be expected to operate.

It will be proper for your Excellency to keep up a correspondence with General Harrison. This is rendered the more necessary, as the several requisitions which have been made by him for volunteers and militia have not been accurately reported to the War Office; and it is possible he may find it advisable to discharge a part of your force before they reach the frontier.

In the present critical period of the campaign, it seems advisable to submit all further arrangements to General Harrison, under the instructions he has received from the President through the Secretary of War.

With perfect respect, I have the honor to be, your Excellency's most obedient humble servant,

DANIEL PARKER,  
C. C. War Department.

His Ex<sup>y</sup> ISAAC SEELBY,  
Governor of Kentucky.

*Correspondence between the Secretary of War  
and Major General Hampton.*

SEPTEMBER 1, 1813.

DEAR SIR: Prevost has gone up to the head of the Lake; Yeo has followed him. The object is either to attack Boyd, or to draw Wilkinson to the West, and spin out the campaign, without either giving or receiving blows of decided character. In either case, his [Prevost's] rear is manifestly neglected, and we must not lose the advantage he presents for attacking it. Wilkinson has gone on to Fort George to baffle Prevost, (if the former be his object,) and to bring off the army, should the other be manifestly his intention. If Chauncey beat Yeo, Sir George's case will be desperate. This is the pivot on which the issue of the campaign turns.

I am, dear sir, yours, &c.

JOHN ARMSTRONG.

CAMP, NEAR BURLINGTON,  
September 7, 1813.

SIR: Your letter of the 1st instant came to hand by express last evening. My dispositions for a movement had been shaped to meet the arrangement communicated in my letter of the 31st ultimo; but I called together the Heads of Departments this morning to know how far it would be practicable to anticipate that which you had indicated in your despatch of the 29th, and it was found impracticable.

Learned's regiment has not arrived. The ord-  
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nance and fixed ammunition belonging to the artillery were only to leave Albany on the fifth, and the latter for the infantry is not yet on its way, notwithstanding my order to Major Bomford, as early as the 12th or 15th of August; and without it I shall be fifty rounds a man short, having now less than fifty, including those in the cartridge boxes. But what is worse than all, the Quartermaster General's arrangement for the land transportation is shaped to the 20th, and cannot be met at an earlier day.

A descent by water, and direct attack on the Isle aux Noix, is out of the question. It is a place of immense strength, and cannot be approached but by a decided superiority of naval strength. This Commodore McDonough does not pretend to assume in the narrow waters. He has this morning been explicitly consulted upon that point. Our approach must be by the Plains of Acadia. I have directed a monthly return to be enclosed. Our strength will be less than 4,000 effectives. Lane and Leonard's regiments have come on, with mumps and measles upon them, and totally destitute of the least instruction. Too much must not be expected from us. All accounts concur in representing the force of the enemy at more than 5,000, exclusive of three battalions of incorporated militia (twelve months' men) stationed at the Cedars and Cascades, some distance up the St. Lawrence. If any have gone to Kingston, they have been detached from these points. These battalions consist of 400 men each.

I shall expect information from you respecting the state of things above, but shall not wait a moment for it after I am ready.

I have the honor to be, very respectfully, your most obedient servant,

W. HAMPTON.

HON. JOHN ARMSTRONG,  
Secretary of War.

SACKETT'S HARBOR, Sept. 13, 1813.

SIR: Your letter of the 7th instant has been received. Chauncey probably fought a battle on the 11th instant. A heavy cannonade was distinctly heard at this place for several hours, and a boat from Great Sodus states that an engagement between the fleets took place off Presque Isle, on the northern shore of the Lake. (Presque Isle is nearly opposite to Great Sodus.) We are anxiously looking for the result. Had Chauncey been beaten, or so crippled as to make it necessary for him to go into port, we should have seen him here before to-day. His absence and his silence gives us, therefore, an assurance that whatever may have been the issue of the battle, it has not disabled him from covering the intended movement of the troops.

Our information differs widely from yours as to the strength of the enemy at Montreal and its dependencies. A deserter from a British detachment of three hundred men, moving from Montreal to Kingston, and who left them near the head of the rapids, came to this post the day

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before yesterday. He states that the whole regular force near Montreal does not exceed one thousand effectives, and that but three hundred invalids have been left at Quebec. This agrees with information received through other channels less direct, and perhaps less correct than yours.

From General Wilkinson I have not heard a syllable since his arrival at Fort George, which was on the 4th instant. He must now be on the point of moving.

The 10th and 32d regiments are in march for Plattsburg. The latter was destined for this place, but learning that it could not leave Philadelphia before the 12th, I have given to it the shorter march and nearer scene of action.

It is much to be regretted that our naval means on Lake Champlain should have fallen so far short of their object. To our operations an ascendancy in the narrow parts of the Lake is of infinite moment. A well chosen position on the plains is the alternative of most promise. It may keep the different corps of the enemy in a state of separation.

With great respect, I am, sir, your most obedient and very humble servant,

JOHN ARMSTRONG.

Major General HAMPTON.

HEADQUARTERS, CUMBERLAND HEAD,  
September 15, 1813.

SIR: I have got my forces nearly concentrated at this point; and, with McDonough's aid, have put a stopper on the lake, which insures tranquillity while my operations are going on. All now depends on the Quartermaster General, and I believe he will surmount every obstacle. I shall soon be ready. I am, &c.

WADE HAMPTON.

HON. SECRETARY OF WAR.

SACKETT'S HARBOR, Sept. 19, 1813.

DEAR GENERAL: Chauncey has chased Yeoo round the lake, and obliged him to take shelter in Kingston. The Commodore has now gone up to Fort George to bring down the troops. We are ready at this point to embark. It may, perhaps, be the 30th before our forces will be assembled and in motion. Your movements may of course be somewhat delayed; say to the 25th or 26th.

It is believed in Kingston that Sir George Prevost is about going to Quebec. Will he not stop at Montreal? Yours, faithfully,

JOHN ARMSTRONG.

General HAMPTON.

HEADQUARTERS, LITTLE CHAZEY,  
September 22, 1813.

SIR: At 6 o'clock, P. M., on the 19th, I dropped down with the army from Cumberland Head for the shore near this place; and landed at 12 o'clock at night, and an hour after had the light corps of the army in motion against the advanced posts of the enemy—Snelling's command against a post

a little over the line, on the lake shore, and Hamilton's against Odletown. The blow was to have been struck at the dawn, and the corps were to unite at the latter place, twelve miles distant. Both corps were misled by their guides. Snelling finding himself out of his way for the first point, pushed for the second; and as Hamilton had taken a circuit to get below it, Snelling arrived first and fell upon the picket in a house, which he killed or took, except two or three, and the main body escaped.

Hamilton arrived soon after; the army joined them a little after nine. A few desperate Indians continued to lurk about the distant bushes, and frequently crawled up and fired upon our sentries during the day and the succeeding night.

One was killed on his post in the dark, and two or three others wounded. They were frequently drove off and the thickets scoured, but they continued to hover around as long as we staid. The army had on their backs five days' provisions, and my intention was to push through the wood, remove all obstructions, and repair the roads for our supplies, artillery, baggage, &c., which was to follow; but an insurmountable difficulty occurred, which at once defied all human exertion: the drought had been uncommon, and I had some doubts of the practicability of procuring water for the troops, horses, and teams; but the points of Odletown, La Cole, and the river La Cadia, were represented to me as a sure resource.

The troops, however, soon dried up the wells and springs of Odletown, and the beds of La Cole and La Cadia are represented, from an authority not to be questioned, to be dry. The troops began to suffer extremely, and the few cavalry and artillery horses that arrived were obliged to be sent back to Champlain, a distance of four miles, for water. The difficulty began to produce effects the most to be dreaded.

It was not a time to hesitate. The general staff and commanding officers of the corps were called together, and there was but one voice.

The Chataugay route was adopted. It was circuitous, but afforded water, and was practicable in less time, all obstructions in the other considered.

The army fell back in the afternoon of the 21st, and encamped at Champlain. The Chataugay road takes off near this place, and the army will advance on it seven miles this afternoon. The baggage is now advancing on it. I hope to arrive at Chataugay on the evening of the 24th. I can from thence join you at any point you may advise on the St. Lawrence. My object is Cognawaga, opposite to La Chine, about forty miles from Chataugay, and ten from Montreal. I have my guides, and information I can rely upon. This position will present three points. If I do not hear from you I can take either, or hold fast, as circumstances shall indicate.

My first movement was unexpected to the enemy; must draw him into some confusion; and will pass as a feint so soon as he hears of my route to Chataugay. My force is less numerous than I expected. It is raw, and of a description that

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will be forever falling off. All I can say, is, it shall have all the capacity I can give it.

I have the honor to be, sir, very respectfully,  
your most obedient servant.

W. HAMPTON.

P. S. Since writing I find that all the corps cannot leave this ground before morning, and that it will be the 25th before we reach Chataugay.

W. H.

Hon. J. ARMSTRONG, *Sec'y of War.*

SACKETT'S HARBOR, *Sept. 25, 1813.*

SIR: Your letter of the 22d instant was delivered to me last night. Commodore Chauncey left this place on the 18th, in the intention of running up to Fort George, and covering the transportation of the troops from that point to this. On the twenty-first he had not arrived there; the effect, I suppose, of adverse winds. This circumstance will necessarily bring after it a delay in the execution of our joint operations, and will indicate the propriety of your not advancing beyond Malone, or the Four Corners, until you have advice of our movement. The distance from this place to Malone is about one hundred and thirty miles. An express can reach you in thirty hours, and will, of course, enable you to gain the village of Cognawaga as early as may be proper. You will give such direction to the militia corps assembling or assembled at Plattsburg as you may think most advisable.

I am, sir, very respectfully, your most obedient servant,

JOHN ARMSTRONG.

Major General HAMPTON.

HEADQUARTERS, POMEROY'S,

13 miles from Chataugay, *Sept. 25, 1813.*

SIR: I had this morning, at three o'clock, the honor to receive your letter of the 19th, and finding so much time on my hands, the idea has occurred, that a great advantage may arise from a closer view of our means, and the clearest possible concert and understanding in their application. Of every matter and thing, relating to mine, Colonel Atkinson will give you as full an idea as if you had been with me for the last five days. When you shall have reflected fully upon them, my arrangements and ideas, your indications can be made with more precision and confidence.

The perfect rawness of the troops, with the exception of not a single platoon, has been a source of much solicitude to the best informed among us. This solicitude has not been removed by the first experiment. Everything was done, to be sure, that ought to have been done; but not in that style which the example of a Snelling, a Hamilton, &c., ought to have inspired in the movements of even the light corps. We want a little more mercury, in the ranks, at least. Can you let me have the first dragoons, and one more veteran battalion? At all events let me have Hane and Haig, that I may have their local as well as their constitutional ardor.

But the great object of this letter is, a full and distinct view and understanding on both sides. All I need say is, that whatever part shall be assigned to me, in the general plan, shall be executed to the utmost extent of my ability and power.

I have the honor to be, sir, your most obedient and very humble servant,

W. HAMPTON.

Hon. J. ARMSTRONG, *Sec'y of War.*

Extract of a letter from the Secretary of War to Major General Hampton, dated

WAR DEPARTMENT, *Sept. 28, 1813.*

The position you have taken is better calculated to keep up the enemy's doubts, with regard to your real point of attack, than any other. Hold it fast till we approach you. In the present state of the campaign we ought to run no risks by separate attacks, when combined ones are practicable and sure. Had you been able to have broken down the head of their defences, and seized the banks of the St. Johns at the Rapids, you would have bothered his Knightship considerably; but, on the whole, the Western movement is to be preferred, because in it there is safety and concert, and in the meantime enough to render his attention to different points necessary, and of course to keep his forces in a state of division.

The moment the enemy left the upper parts of the Chesapeake, I ordered Pickens, with his battalion of the tenth, to join you. A battalion of the thirty-second has similar orders.

HEADQUARTERS, CHATAUGAY,

*October 4, 1813.*

DEAR SIR: No change of importance in my affairs has occurred since my last, by Colonel Atkinson; but, as there are several of minor consideration, I have judged that a detailed view of them might be of some use, at the moment of your arranging, with our commanding General, the main case of the proposed operations.

The road to Plattsburg will be completed to-day, and is a perfect turnpike. The artillery, consisting of eight six-pounders, one twelve, and one howitzer, tolerably appointed and found, has arrived. I have but a small stock of provisions on hand, but have the most pointed assurance from Colonel Thomas, the Quartermaster General, that a supply of sixty days of bread and flour will arrive, at once, in the course of three or four days. I have only from forty to fifty rounds of musket cartridges with me, but this convoy will make the supply an hundred, and give to the artillery all it requires in reserve. The supply of salted provisions will not exceed one fourth of the proportion of flour; but we have, and can have, an unlimited supply of good beef cattle. Brigadier General Parker is at Plattsburg, hastening my supplies, and presiding over some arrangements that were thought necessary. I have directed the commencement of a *petty war*, or invasion of the lines, at and near Lake Champlain, by Colonel Clark, who has some volunteers, and



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Brigadier General Fasset, (our colonel,) who has, at my instance, called out his brigade of militia. The latter, I understand, turn out but badly; but they will make together, I suppose, from six hundred to a thousand men. There has been inculcated, by the artifices of the British, a shameful and corrupt neutrality on the lines, for the purpose of gain. I have directed these officers to break the truce; and, should other means fail, to act the part of the mischievous urchin, who, to get two peaceable *tabbies* at "*making the fur fly*," held them up together by the tails. To be serious, it is really time each individual shall take his side, and that traitors to either should meet their due reward. What I am aiming at, however, is tranquillity on the road, by kicking up a dust on the lines. It will also create a division at a proper point. Of Hopkins's militia, but about two hundred and fifty have arrived, and not more than fifty or sixty of them have consented to pass the line. Such as refused, General Parker was authorized to keep on the lines below, and to excite all the alarm he could, with them and the Vermonters. The change of habits has produced more sickness among my raw soldiers than I expected. I believe the number has accumulated at this place to three hundred, and I am afraid will increase. The enemy is in considerable force, about twelve or fourteen miles distant. He made an attack on one of my outposts, with three or four hundred regulars, and as many Indians, on the afternoon of the first instant, but he fell into bad hands. He found Saelling well posted with his own and Wool's corps. The attack was made with the Indians, and the regulars lay in ambush; but Snelling dashed upon them with such rapidity upon their flanks, that they all scampered away together. Lieutenant Nash, of the thirty-third regiment, and one man, were killed, and one wounded. If the Indians lost any, they carried them off.

The Indians still hover about us, and shoot at our sentries. The St. Regis people are poor d—ls.

I have written in much haste, and have neither time for correction nor copying. You must take it for better or for worse. I will only entreat you to regard it in any other light than that of an official communication. You may, however, no less rely upon all the information it conveys.

I am, sir, very respectfully and truly, your obedient humble servant,

W. HAMPTON.

HON. JOHN ARMSTRONG.

HEADQUARTERS, CHATAUGAY,  
October 12, 1813.

DEAR SIR: My solicitude to know your progress, and the real state of the *grand army*, is extreme. It is, perhaps, not less necessary for both, that I should be constantly informed. Implicit faith, cordiality, and concert, ought to unite our efforts. These have formed the basis of our exertions so far, and promises, more than our numbers, the result so much desired. I have no re-

ference to individuals; but to the heart of every man. The point and movement of our junction is all important: and that, and not the moment of my departure from hence, ought to be indicated; because I ought to be the best judge of the time necessary to surmount the obstacles in the way. Between this and Cognawaga, much work on the road is necessary, and I ought to advance upon it two or three days earlier than might be judged necessary on a smooth and solid road. By seizing and holding strong positions in my front, the work could progress in my rear, without incurring risk, until I arrived within a striking distance. You have said "hold fast," and it might be considered precipitate to advance before I hear, at least, that the Rubicon is passed above. These are points for your consideration, and those with you who guide the general movement. You have not sent me the two hundred mounted dragoons. Their presence, on ground the possession of which I do not despair of gaining, added to a force of four thousand effective infantry, and a well appointed train, ought to inspire you with some reliance upon our army, new as it is. High pretensions have been avoided; but the moment has arrived when it is, perhaps, necessary for us to be estimated at as much as we are worth.

The tenth is at hand, and is included in the estimate. It is believed the militia may serve for escorts to what must follow us.

Colonel Clark is carrying on his small war, on the lines, with all the effect contemplated. The enemy's motley force have every where nearly disappeared. He is concentrating, no doubt, on points in my way, or on the river.

I have the honor to be, sir, very respectfully and truly, your obedient servant,

W. HAMPTON.

Gen. ARMSTRONG, *Sec'y of War*.

We had an intelligent deserter of the regiment of Canadian fencibles. He states the enemy's force near us, at three thousand men; but, when put to the detail, gave it as follows:

Thirteenth regiment—two flank companies and part of a battalion	360
Muron's French regiment, two flank companies	200
Canadian fencibles, Colonel Robinson	150
Colonel Shaburby's command, voltigeurs and Indians, and some fencibles	700
Two battalions of incorporated militia	750

The whole commanded by Col. Williams 2,110

Sir George had gone along to Montreal. He brought down thirty-six boats and about six hundred troops, included in the above.

SACKETT'S HARBOR, Oct. 16, 1813.

DEAR GENERAL: Your favor of the twelfth ultimo has been handed to me by Major Parker. The Niagara division has been slow in its movements. It has at length reached Henderson's harbor, and moves this day to Grenadier Island, whither the

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division here is moving also. From this point (Grenadier Island) we take our departure either for Kingston or for Montreal. The enemy broke up his positions before Fort George on the ninth, burned his surplus stores, arms, &c., and moved rapidly for Burlington Bay, which he reached on the eleventh instant. Advices from the Bay of Canti state, that he is coming down to Kingston, and that his sick and convalescent, to the number of one thousand two hundred, had already arrived there. He will bring with him about one thousand five hundred effectives, and, thanks to the storm and our snail-like movements down the lake, they will be there before we can reach it. The manœuvre intended is lost, so far as regards Kingston. What we now do against that place must be done by hard blows, and at some risk. The importance of the object may, however, justify the means. In the other case, (an immediate descent of the St. Lawrence,) the army will make its way to the Isle Perott, whence we shall immediately open a communication with you. Under these circumstances you will approach the mouth of the Chateaugay, or other point which shall better favor our junction, and hold the enemy in check. Your known vigilance and skill make it unnecessary to suggest any measures of precaution against the enterprises of the enemy, while you remain within stroke of him. The dragoons will pass the St. Lawrence near the Coteau de Lac.

Yours, &c.

JOHN ARMSTRONG.

Major General HAMPTON.

HEADQUARTERS, FOUR CORNERS,  
November 1, 1813.

SIR: On the morning of the 21st ultimo the army commenced its movement down the Chateaugay, for the purpose of placing itself in a situation which would enable it to fulfil its part of the proposed combined operations on the St. Lawrence.

An extensive wood of eleven or twelve miles in front, blocked up with felled timber, and covered by the Indians and light troops of the enemy, was a serious impediment to the arduous task of opening a road for the artillery and stores. Brigadier General Izard, with the light troops and one regiment of the line, was detached early in the morning to turn these impediments in flank, and to seize on the more open country below, while the army, preceded by a strong working party, advanced on a more circuitous but practicable route for a road. The measure, as will be seen by the report of Brigadier General Izard, which I have the honor to enclose, completely succeeded, and the main body of the army reached the advanced position on the evening of the 22d. The 23d and 24th were employed in completing the road and getting up the artillery and stores.

I had arranged, at my departure, under the direction of Major Parker, a line of communication as far up the St. Lawrence as Ogdensburg, for the purpose of hastening to me the earliest notice

of the progress of our army down. I had surmounted twenty-four miles of the most difficult part of the route, and had in advance of me seven miles of open country, but, at the end of that distance, commenced a wood of some miles in extent, which had been formed into an entire abbatiss, and filled by a succession of wooden breastworks, the rearmost of which were supplied with ordnance. In front of these defences were placed the Indian force and light corps of the enemy, and in the rear all his disposable force. As the extent of this force depended upon his sense of danger on the St. Lawrence, it was a cause of regret that all communication from yourself or Major Parker seemed to be at an end. As it was, however, believed that the enemy was hourly adding to his strength in this position, if free from apprehension of danger from above, an effort was judged necessary to dislodge him, and, if it succeeded, we should be in possession of a position which we could hold as long as any doubts remained of what was passing above, and of the real part to be assigned us.

Our guides assured us of a shoal and practicable fording place, opposite the lower flank of the enemy's defences, and that the wood on the opposite side of the river, a distance of seven or eight miles, was practicable for the passage of the troops. Colonel Purdy, with the light corps, and a strong body of infantry of the line, was detached at an early hour of the night of the 25th, to gain this ford by the morning, and to commence his attack in rear, and that was to be the signal for the army to fall on in front, and it was believed the pass might be carried, before the enemy's distant troops could be brought forward to its support.

I had returned to my quarters from Purdy's column, about nine o'clock at night, when I found a Mr. Baldwin, of the Quartermaster General's department, who put into my hand an open paper, containing instructions to him from the Quartermaster General, respecting the building of huts for the army in the Chateaugay, below the line. This paper sunk my hopes, and raised serious doubts of receiving that efficacious support which had been anticipated. I would have recalled the column, but it was in motion, and the darkness of the night rendered it impracticable. I could only go forward. The army was put in motion on the morning of the 26th, leaving its baggage, &c. on the ground of encampment.

On advancing near the enemy, it was found that the column on the opposite side was not so far advanced as had been anticipated. The guides had misled it, and finally failed in finding the ford. We could not communicate with it, but only waited the attack below. About two o'clock the firing commenced, and our troops advanced rapidly to the attack. The enemy's light troops commenced a sharp fire, but Brigadier General Izard advanced with his brigade, drove him everywhere behind his defences, and silenced the fire in his front. This brigade would have pushed forward as far as courage, skill, and perseverance, could have carried it; but, on advancing, it was

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found that the firing had commenced on the opposite side, and the ford had been gained.

The enemy retired behind his defences, but a renewal of his attack was expected, and the troops remained some time in their position to meet it. The troops on the opposite side were excessively fatigued. The enterprise had failed in its main point, and Colonel Purdy was ordered to withdraw his column to a shoal four or five miles above, and cross over. The day was spent, and General Izard was ordered to withdraw his brigade to a position three miles in the rear, to which place the baggage had been ordered forward.

The slowness and order with which General Izard retired with his brigade, could but have inspired the enemy with respect. They presumed not to venture a shot at him during his movement; but the unguardedness of some part of Purdy's command exposed him to a rear attack from the Indians, which was repeated after dark, and exposed him to some loss. These attacks were always repelled, and must have cost the enemy as many lives as we lost. Our entire loss of killed, wounded, and missing, does not exceed fifty. In its new position, within three miles of the enemy's post, the army encamped on the night of the 26th, and remained until 12 o'clock of the 28th. All the deserters, of whom there were four, having concurred in the information that Sir George Prevost, with three other general officers, had arrived with the whole of his disposable force, and lay in the rear of these defences, and a letter from Major Parker (by express, received on the evening of the 26th) having informed me that no movements of our army down the St. Lawrence had been heard of at Ogdensburg, and for some distance above, the following questions were submitted to the commanding officers of brigades, regiments, and corps, and the heads of the general staff, in a council convened for the purpose: "Is it advisable, under existing circumstances, to renew the attack on the enemy's position, and, if not, what position is it advisable for the army to take, until it can receive advices of the advance of the grand army down the St. Lawrence?" The opinion of the council was expressed in the following words: "It is the unanimous opinion of this council, that it is necessary, for the preservation of this army and the fulfilment of the ostensible views of the Government, that we immediately return by orderly marches to such a position (Chateaugay) as will secure our communications with the United States, either to retire into Winter quarters, or be ready to strike below." In pursuance of this opinion, the army has returned by slow marches to this place, and now awaits the orders of the Government. Its condition will be stated by the bearer, Colonel King, who can give you, upon every point, more full and perfect information than could be contained in a written detail.

I have the honor to be, with great respect, your obedient servant,

W. HAMPTON.

Hon. JOHN ARMSTRONG,  
Secretary of War.

## HEADQUARTERS OF THE ARMY,

*District No. 9, Nov. 6, 1813, in the evening.*

SIR: I address you at the special instance of the Secretary of War, who, by bad roads, worse weather, and ill health, was diverted from meeting me near this place, and determined to tread back his steps to Washington from Antwerp on the 28th ultimo.

I am destined to, and determined on the attack of Montreal, if not prevented by some act of God; and, to give security to the enterprise, the division under your command must co-operate with the corps under my immediate orders. The point of rendezvous is the circumstance of greatest interest to the issue of this operation, and the distance which separates us, and my ignorance of the practicability of the direct or devious roads or routes on which you must march, make it necessary that your own judgment should determine that point. To assist you in forming the soundest determination, and to take the most prompt and effectual measures, I can only inform you of my intentions and situation in one or two respects of first importance. I shall pass Prescott to night, because the stage of the season will not allow me three days to take it; I shall cross the cavalry at Hambleton, which will not require a day, and shall then press forward and break down every obstruction to the confluence of this river with Grand river, there to cross to the isle Perrot, and with my scows to bridge the narrow inner channel, and thus obtain a foothold on Montreal island, at about twenty miles from the city; after which, our artillery, bayonets, and swords, must secure our triumph, or provide us honorable graves. Enclosed you have a memorandum of my field and battering train, pretty well found in fixed ammunition, which may enable you to dismiss your own, but we are deficient in loose powder and musket cartridges, and therefore hope you may be abundantly found. On the subject of provisions, I wish I could give as favorable information; our whole stock of bread may be computed at about fifteen days, and our meat at twenty. In speaking on this subject to the Secretary of War, he informed me that ample magazines were laid on Lake Champlain, and, therefore, I must request you to order forward two or three months' supply, by the safest route, in a direction to the proposed scene of action. I have submitted the state of our provisions to my general officers, who unanimously agree that it should not prevent the progress of the expedition, and they also agree in opinion that, if you are not in force to face the enemy, you should meet us at St. Regis or its vicinity.

I shall expect to hear from, if not to see you, at that place, on the 9th or 10th instant,

And have the honor to be, respectfully, &c.

JAMES WILKINSON.

To Major General W. HAMPTON, &c.

P. S. I was preparing an express, which I should have despatched to-morrow, but for the fortunate call of Colonel King.

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HEADQUARTERS, FOUR CORNERS,  
November 8, 1813.

SIR: I had the honor to receive, at a late hour last evening, by Colonel King, your communication of the 6th, and was deeply impressed with the sense of responsibility it imposed, of deciding upon the means of our co-operation.

The idea, suggested as the opinion of your officers, of effecting the junction at St. Regis, was most pleasing, as being the most immediate, until I came to the disclosure of the amount of your supplies of provision. Colonel Atkinson will explain the reasons that would have rendered it impossible for me to have brought more than each man could have carried upon his back; and, when I reflected that, in throwing myself upon your scanty means, I should be weakening you in your most vulnerable point, I did not hesitate to adopt the opinion, after consulting the general and principal officers, that, by throwing myself back on my main depot, where all the means of transportation had gone, and falling upon the enemy's flank, and straining every effort to open a communication from Plattsburgh to Cognawaga, or any other point you may indicate on the St. Lawrence, I should more effectually contribute to your success than by the junction at St. Regis.

The way is, in many places, blockaded and abatised, and the road impracticable for wheels during Winter; but, by the employment of pack horses, if I am not overpowered, I hope to be able to prevent your starving.

My troops and other means will be described to you by Colonel Atkinson. Besides their rawness and sickness, they have endured fatigues, equal to a Winter campaign, in the late snows and bad weather, and are sadly dispirited, and fallen off; but, upon this subject, I must refer you to Colonel Atkinson.

With these means, what can be accomplished by human exertion I will attempt, with a mind devoted to the general objects of the campaign.

W. HAMPTON.

To Major General WILKINSON.

A copy. JOHN HOOMES, A. D. C.

HEADQUARTERS, PLATTSBURG,  
November 12, 1813.

SIR: I have the honor to enclose the copy of a letter I have received from General Wilkinson, and of my reply. The forage at Chateaugay had been nearly consumed before the expedition down the river; and, in the return of the army, enough only could be found to subsist the horses and teams two or three days. All accounts concurred in the report, that General Wilkinson had not commenced his operations against Kingston, and that no descent down the river was intended. Hence, the necessity for sending off the cavalry artillery, and provision teams, to Plattsburg, for subsistence; and hence, also, the impossibility of a junction at St. Regis with no more provisions than must have been consumed on the march to that place. General Wilkinson had no spare transportation for us; and the junction would

have reduced the stock of provisions to eight or ten days for the whole. The alternative was adopted under the impression of absolute necessity.

The army has approached on this route to the road leading to Chazey, a few miles from the lines, where I shall join it to-night. I can only repeat what I said in my letter to General Wilkinson, "that what can be accomplished by human exertion shall be attempted, to meet the objects of the campaign." But I should be uncandid not to own that many circumstances are unpropitious. The force is dropping off by fatigue and sickness to a most alarming extent. My returns yesterday report the effectives at little more than half their original state at Chateaugay; and, what is more discouraging, the officers, with a few honorable exceptions, are sunk as low as the soldiers, and endure hardship and privation as badly. In a word, since the show, produced by clothing, movements, &c., has worn off, all have assumed their native rawness. Fatigue and suffering from the weather have deprived them of that spirit which constituted my best hopes. What confidence can the best officer (and I have a few surpassed by none) feel, under such circumstances? It is painful to hold up to you this picture, but it is but too faithfully drawn.

The Quartermaster General has been ordered to procure, on hire, four hundred wagons, and I shall attempt to open a communication on the direct route from the town of Champlain. Success, under the circumstances I have mentioned, must depend upon the efforts and force opposed to me. The demonstration, however, can but produce a partial good.

On the route I took, the enemy burnt and consumed everything before him; and this I understand to be his general plan. If the same course precede the advance of General Wilkinson, and my feeble force should be foiled, the consequences are much to be dreaded. But the Rubicon is now passed, and all that remains is to push for the Capital.

I have the honor to be, sir, yours, &c.

W. HAMPTON.

Gen. ARMSTRONG, *Sec'y of War.*

Extract of a letter from Major General Hampton to the Secretary of War, dated

CHAZEY, November 15, 1813.

"I have the honor to enclose you the copy of a letter I received the last evening from General Wilkinson, by Colonel Atkinson, whom I had sent to him for the purpose of settling the plan of our proposed joint operations. Of the consistency of this letter with that of the 6th instant, and my answer, or of the insinuation it contains, I shall say nothing. Upon so plain a case, and an attempt so unworthy the occasion, common sense will afford every explanation I could wish. I shall make the necessary arrangements for placing the troops in Winter quarters, and commence my journey to the Southward."

"W. HAMPTON."

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HEADQ'RS, NEAR CORNWALL, U. C.

November 12, 1813.

SIR: I this day had the honor to receive your letter of the 8th instant, by Colonel Atkinson, and want language to express my sorrow for your determination not to join the division under your command with the troops under my immediate orders.

As such resolution defeats the grand objects of the campaign in this quarter, which, before the receipt of your letter, were thought to be completely within our power, no suspicion being entertained that you would decline the junction directed, it will oblige us to take post at the French Mills, on Salmon river, or in their vicinity, for the Winter.

I have the honor to be, respectfully, &c.

J. WILKINSON.

Major Gen. HAMPTON.

*Correspondence between the Secretary of War and Major General Wilkinson.*

[Submitted to the President by the Secretary of War, on the 23d of July, and communicated to General Wilkinson on the 5th of August, 1813.]

The time at which we have reason to expect an ascendancy on Lake Ontario. If our hopes on that head be fulfilled, though but for a short period, we must avail ourselves of the circumstance, to give to the campaign a new and increased activity.

For this purpose our forces on the Ontario should be concentrated, because neither section of them, as they are now divided, is competent to any great object.

The point of concentration is more doubtful:

1. If at Fort George, our utmost success can but give us the command of the peninsula, which, if General Harrison succeeds against Malden, will be of diminished interest, both to us and to the enemy: to us, because Malden will more completely cover our Western frontier, and control the savages, than Forts George and Erie: to the enemy, because, Malden lost, our inroad upon the peninsula will but have the effect of shortening, not of dividing, the enemy's line of operations; in a word, success at this point will not give to the campaign a character of decisive advantage.

2. If, on the other hand, we make Sackett's Harbor the point of concentration, Kingston may become the object of our attack, which, by the way, will but be returning to the original plan of campaign prescribed to General Dearborn. This place is of much importance to the enemy, and will no doubt be defended by him with great obstinacy, and with all the resources which can be safely drawn from other points. That it may be taken by a joint application of our naval and military means is not, however, to be questioned. The enclosed diagram will show the number and character of the enemy's defences. His batteries on No. 1 cannot be sustained but by his fleet. These carried, he is open to a descent at Nos. 2

and 3. If he divides his force between both, we oppose one half of his strength with the whole of ours. If he concentrates at No. 2, we seize No. 3, and command both the town and the shipping. If he concentrates at No. 3, we occupy No. 2, and with nearly the same results.

Contemporary with this movement, another may be made on the side of Lake Champlain, indicating an intention of attacking Montreal and its dependencies, and really attacking them, if, to save Kingston, these posts have been materially weakened.

3. Another and different operation, to which our means are competent, would be a movement from Sackett's Harbor to Madrid, on the St. Lawrence. At this place the river may be most easily crossed. The ground opposite to it is a narrow bluff, skirted by the river on one side, and a swamp of great extent and of difficult passage on the other. This gained and fortified, our fleet continuing to command the water line from the head of the river to Ogdensburgh, and Lake St. Francis occupied with a few gunboats and barges, the army may march against Montreal, in concert with General Hampton. The only natural difficulty to the execution of this plan would be presented by a branch of the Grand river, which must be crossed; but at this season, though deep, it is believed to be fordable.

Under the preceding supposition it is respectfully submitted, whether it will not be most advisable to make Sackett's Harbor the point of concentration, and leave to the commanding General an election (to be determined by circumstances) between the two plans suggested under the second and third heads.

JOHN ARMSTRONG.

Approved and adopted, July 23, 1813.

WASHINGTON, August 6, 1813.

I have examined the projects of the campaign, intended for the past and ensuing stages of it, on the side of Canada, which you put into my hands yesterday. The novelty of the subject to me, and the pressure of time, will prevent the deliberate consideration of it which its importance merits; and therefore I shall confine myself to a few brief observations touching the project of the 23d ult.

1. If we command Lake Ontario (without which the project is impracticable) and our force be competent to carry Kingston, the incorporation of our troops should take place at Sackett's Harbor, and the attack be made as promptly as possible.

2. On the contrary, should our combined disposable force be deemed incompetent to the certain and speedy reduction of Kingston, then it may be preferable to strengthen our force at Fort George, cut up the British force in that quarter, destroy the Indian establishments, and (should General Harrison fail in his objects) march a detachment to capture Malden.

While these operations are pending, a bold feint or provisional attack on Montreal, by Major Gen-

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eral Hampton, will certainly call Sir George Prevost to that place; and it is presumable that, seeing our movements directed towards Erie, he may carry his best troops with him from Kingston.

These suggestions spring from my desire to hazard as little as possible in the outset, and to secure, infallibly, whatever may be attempted, with the intention to increase our own confidence, to diminish that of the enemy, and to popularise the war.

After our operations on the peninsula have been closed, we may raze the works there under your provision, leave our settlements on the strait in tranquillity, and like lightning must direct our whole force against Kingston; and having reduced that place, and captured the shipping, we may descend the stream, and form a junction with the column of General Hampton in the neighborhood of Montreal, should the lateness of the season permit, by which all our movements, after the conquest of Upper Canada, must be governed.

To give General Hampton's movements a menacing aspect, and to enable him to profit by events, he should take with him a heavy train of battering cannon and mortar pieces, which will be found indispensable in the attack of Montreal; and to weaken that place, and to favor a protracted season, I would advise that a heavy column of militia or volunteers, if engaged for three months only, should be put in motion from the vicinity of Lake Memphramagog, to descend the river St Francis, and take post on the right bank of Lake St. Petre, with a battering train of travelling carriages, organized and equipped either to keep post or retire when the season, or other circumstances, should render expedient.

Before I close this letter, I will beg leave to call your attention to several specific points, on which I require information and authority, which I deem essential to the salutary discharge of the high and solemn trust about to devolve upon me.

1. A copy of the instructions to Major General Hampton, for my government in the correspondence to ensue between us.

2. Shall I be allowed a private secretary, which is necessary, and of right belongs to the command on which I am about to enter?

3. I require permission to take for my Aids-de-Camp such officers as are best fitted to discharge the important duties of the station.

4. I ask authority (or it is understood that I possess it) to supply every defect of the munitions of war and transport, by land or water, by means of the authorized agents.

5. I entreat that ample funds may be deposited in proper hands, to give effect to the department of intelligence, without which the chief will find himself almost hoodwinked.

6. I trust no order, of whatever nature, will be passed to any officer under my command, but through my hands. This is not only necessary to the regular conduct of the public service, but it is vitally essential to the preservation of sound subordination, and is conformable to the rules of

the service in all armies, inasmuch as he who is responsible for all should have the control of all.

7. I hope I may be expressly authorized to detach from my command all persons who may manifest a temper or disposition to excite discontents, to generate factions, or embitter the service. This is indispensable to put down seditious spirits, and to harmonize the corps.

8. Should we move against Kingston in the first instance, the withdrawal of our force from Fort George will enable the enemy to reoccupy that point, and, for a brief period, to harass our frontier on that strait. May not the militia, or a body of volunteers, be called forth to relieve the regular troops at that place, and prevent discontents and complaints?

9. For the maintenance of the necessary authority of the chief, it is hoped that the Secretary of War will decline and forbid all correspondence with his subordinate officers, except in cases of personal grievance.

10. I beg to be advised of the means of communication between our military positions, and particularly from Sackett's Harbor to Burlington, which should be rapid and infallible.

11. I ask authority to equip the whole of our horse artillery, and to mount the whole of our dragoons, because these arms will be found all important in every combat which may ensue.

A serious impression of the dread responsibility which awaits me, and a correct sense of the public expectation which accompanies me, must be my apology for giving you so much trouble.

With respect, I have the honor, &c.

J. A. WILKINSON.

HON. JOHN ARMSTRONG,  
*Secretary of War.*

WAR DEPARTMENT, August 8, 1813.

SIR: I have given to your observations of the sixth instant all the consideration they so justly merit.

The main objection to any plan which shall carry our operations wide of Kingston and westward of it, is, that, in the event of its success, it leaves the strength of the enemy unbroken; it but wounds the tail of the lion, and of course is not calculated to hasten the termination of the war, either by increasing our own vigor, or by diminishing that of the enemy. Kingston is the great depot of his resources; and so long as he retains this, and keeps open his communication with the sea, he will not want the means of multiplying his naval and other defences, and of reinforcing or renewing the war in the West. Kingston, therefore, as well on grounds of policy as of military principle, presents the first and great object of the campaign.

There are two ways of approaching this; by direct or by indirect attack: by breaking down the enemy's battalions and forcing his works, or by seizing and obstructing the line of his communication, and thus drying up the sources by which he is nourished and maintained. Circum-



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stances must govern in choosing between these different modes. Were our assembled land and naval forces competent to the object, a direct attack would, no doubt, be the shorter and better way; but if, on the contrary, our strength be inferior, or hardly equal to that of the enemy, the indirect attack must be preferred. These considerations have suggested the third plan, to be found in my note of the 23d ultimo. To give execution to this, I would collect my force at the head of the St. Lawrence, make every demonstration of attacking Kingston, proceed rapidly down the river, seize the northern bank at the village of Hamilton, leave a corps to fortify and to hold it, march upon Montreal with the main body, effect there a junction with Hampton, and take a position which shall enable you to secure what you gain. On this plan the navy would perform its part by occupying the mouth of the river, and preventing a pursuit by water; by clearing the river of the armed boats of the enemy; by holding with its own the passage of Hamilton, and by giving support to that position. If the enemy pursues, it must be by land, without subsistence, excepting what he carries on his back, and without artillery. If he remains stationary, his situation must soon become even more serious, as the country in which he is cannot long subsist him. It will then but remain for him to fight his way to Quebec, to perish in the attempt, or to lay down his arms. After this exposition, it is unnecessary to add that, in conducting the present campaign, you will make Kingston your primary object, and that you will choose, as circumstances may warrant, between a direct and indirect attack upon that post.

I have the honor to be, &c.

JOHN ARMSTRONG.

Major Gen. WILKINSON,  
*Commanding District No. 9.*

WAR DEPARTMENT, Aug. 9, 1813.

SIR: In answer to that part of your letter of the 6th instant which calls for information, &c., on certain enumerated points, I have the honor to state:

1. That General Hampton's instructions go only to assemble and organize his division at Burlington. It is intended that he shall operate contemporarily with you, and under your orders, in the prosecution of the plan of campaign which has been given to you.

2. The senior Major General, commanding the principal army, is entitled to the services of a private secretary.

3. The ordnance and other departments of supply, within the district (No. 9) are subject of course to your orders.

4. The Quartermaster General of the Army will supply the funds for secret service.

5. All orders to subordinate officers pass from the War Department to the Adjutant General, to be communicated by him to the General commanding the district in which such subordinate officer may serve.

6. No specific permission is necessary for removing factious or disorderly men. All such will probably become subjects of the confidential reports to be made by Inspectors. To detach such men from one district to another is only shifting the evil; the better way is to report them for dismission.

7. If the corps at Fort George be recalled, the works should be razed, or occupied by a force competent to hold it against an assault. There is a corps of militia and volunteers (to whom the Six Nation Indians have associated themselves) at Black Rock, which may be kept in service. They are commanded by General Porter and Mr. Parrish. [See the confidential letter of General Porter, enclosed.]

8. The Secretary of War will decline and forbid all improper communications, and particularly such as may bear any color of insubordination.

9. Besides the ordinary mode of communication, by mail, expresses may be employed in extraordinary cases.

10. The dragoon and light artillery corps shall be made efficient. Horses may be bought for both. An officer from each corps should be directed to superintend the purchases. Price (average) not to exceed one hundred twenty dollars.

I have the honor to be, with great respect, sir, your most obedient servant,

JOHN ARMSTRONG.

Major General WILKINSON,  
*Commanding the Northern Army.*

SACKETT'S HARBOR, Aug. 21, 1813.

SIR: I arrived here yesterday: my machinery is in motion, and I have strong hopes of giving the change to Sir George, which will lead directly to the object of first importance.

Commodore Chauncey is in port here, and his antagonist, Sir James Yeo, at Kingston. In the late interviews between these naval commanders, the first has zealously sought a combat, which the latter has cautiously avoided; the superiority on the Lake, therefore, remains still to be settled; but I have Chauncey's assurance for it, and place much confidence in his word. It is obviously Sir James's plan to decline a conflict, but on what ground I cannot determine.

Our schooner here will be equipped and manned by Wednesday, and I shall sail with the squadron for Fort George probably the day after; I am endeavoring to draw Sir George after me; but whether I succeed in this attempt or not, should our men and means answer report, and Heaven favor me, I will be in possession of Kingston, or below that place, on the 26th proximo.

Major General Hampton must not budge until everything is matured in this quarter, and we have either got possession of Kingston, or have cut its communication with Montreal, of which I shall give him seasonable advice, via Plattsburg, where I shall calculate on his arrival, the 20th of the ensuing month, completely equipped for a forward movement. If he changes his position,

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and shows his column west of the lake sooner, it may carry Sir George to Montreal, and produce precautions which might otherwise be neglected until too late for any salutary effect.

The militia called forth by Governor Tompkins, of which, by the by, you gave me no information, should not be arrayed before he hears from me, at Fort George, because the assembly of such a body would increase the alarm, and put all Canada in counter motion, while incidents, beyond the control of man, may intervene to procrastinate my movements, and thus baffle the effects of the proposed co-operation, on the side of Vermont: should a corps of militia be drawn from thence, no movement should be made by them until General Hampton has crossed Champlain.

It would be highly interesting to the public service, and extremely acceptable to me, to see you at Niagara, from whence, should I find it practicable, it is my intention to commence my movement down the lake, about the 15th of the next month; the best possible disposition for the safety of that frontier, and for the security of the vast mass of ordnance and stores, which I must leave there, may render your advice and authority indispensably necessary, to avert clamors, and prevent any obstruction to my prompt movement.

With high consideration and respect, I am, sir, your obedient servant,

J. A. WILKINSON.

Hon. J. ARMSTRONG, *Sec'y of War.*

SACKETT'S HARBOR, August 26, 1813.

SIR: Chauncey will go out, he says, to-morrow or next day, to seek Sir James. I see the necessity of settling the point of naval superiority before we commit ourselves, and, therefore, the decision cannot be had too soon. In the meantime the essential arrangements progress, and if the means can be mustered, they will insure the end.

I fear Yeo will avoid a contest, to spin out the campaign, and gain time for reinforcements, and the organization of militia; but if he will not come out, we must blockade him. I go for Niagara the moment our arrangements are matured here. Sir George has actually gone for the head of the lake with a reinforcement. To prevent his playing tricks with Boyd, I have sent him (Boyd) the note of which you have a copy.

On Saturday, the 21st, one hundred and sixty regular troops ascended by Ogdensburg to Kingston, and on the 23d and 24th, they were followed by five hundred Highlanders in their kilts; who conducted up one hundred boats: thus we see that this quarter attracts chief attention. All my efforts will be made to induce Sir George to draw after him a chief part of the garrison of Kingston, which must now be near five thousand strong. The situation of Proctor and the irruption of our Indians have gone far to excite these dispositions. Meet me at Niagara, if possible, and for God's sake press on the recruits from Albany and the southward, and send me Wadsworth, Swift, Fenwick, and Izard. All thing go well here, and, thank God, the men are recovering rapidly. I

hear not a word from Hampton. I hope he does not mean to take the stud; but if so, we can do without him, and he should be sent home.

Truly yours,  
J. A. WILKINSON.  
Gen. ARMSTRONG, *Sec'y of War.*

Extract of a letter from Major General Wilkinson to the Secretary of War.

SACKETT'S HARBOR, Aug. 30, 1813.

SIR: With every exertion he could make, it was not until the last evening Chauncey got under way, and the weather being calm, he must be now off this harbor.

Agreeably to my information, Sir James Yeo sailed for the head of the lake, the 22d instant, with two captured schooners in addition to his squadron, no doubt to co-operate with Sir George, but did not get clear of the Ducks before the 25th.

Brigadier General Boyd is warned of this movement, and, being placed on his guard, he ought to baffle every enterprise of the enemy. What an awful crisis have I reached! If Sir George beats Boyd, and Sir James, Chauncey, my prospects are blasted; and the campaign will, I fear, be lost. If Sir George beats Boyd, and Chauncey beats Sir James, Kingston yet may be ours; but should both the Knights be beaten, and our Quartermaster can find transports in season, (of which I have fears, as I found next to none here,) then we shall certainly winter in Montreal, if not discomfited by some act of God. If I could have mustered three thousand combatants on this ground, with transports to bear them, I would now have been before Kingston, where Sir George has left only one thousand five hundred regular troops, and about five hundred militia; but our utmost force is short of two thousand five hundred, as you will perceive from the enclosed return; and we could not have found boats to transport one thousand.

The enemy having determined to change his system of operations, from defence to offence, is assembling his whole disposable force at the head of the lake, to attack Fort George; thus placing himself at too great a distance from Montreal to give seasonable succor to that city: he certainly presumes on our imbecility, and we as certainly should take advantage of his presumption.

The militia called for should, therefore, be immediately arrayed, and marched to this frontier, and Major General Hampton should, without delay, cross the Champlain, and commence his movement towards St. Johns, taking the Isle aux Noix in his route, or not, as circumstances may justify.

Four thousand of the best appointed yeomanry should be ordered to rendezvous at Hamilton, on the St. Lawrence, for eventual operations with this division; and the residue may accompany or follow Hampton, to draw the militia of Montreal, and the disposable force of the lower country, to the east of the St. Lawrence, and thereby make the island an easy conquest from this quarter.

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Sir George Prevost, it would seem, has taken his part, and, deluded by the hope of re-conquest, has abandoned his rear to our enterprise, and we might now, without the co-operation of our squadron, safely occupy Madrid, and cut the communication of the two provinces with this division only, if we had transport; but of this we are totally destitute, every boat we command here being at this time absent, with a detachment of eight hundred men, ordered to make a feint to the westward, under pretence of reinforcing Niagara, before I was apprized of Sir George's movements.

SACKETT'S HARBOR, Aug. 30, 1813.  
5 o'clock, P. M.

SIR: I have commenced, barely, the arrangement of the department of intelligence; an intelligencer left Kingston, or its vicinity, last evening, to tell me that Sir George Prevost had commenced his operations against Boyd, and had driven in his pickets and taken sixty or seventy prisoners, but had been repulsed from his line of encampment. The militia of Montreal are at Kingston, and reinforcements, by single hundreds, are arriving frequently; four hundred men are expected in the course of the week.

The force at Kingston is two thousand men (regulars fifteen hundred, militia five hundred.) Major General Darrach commands, and they are assiduously strengthening their works. Sir James Yeo sailed with six weeks' provisions, expressly to co-operate with Sir George at the head of the lake; a double battle and a double victory offer a strong temptation; but I will not be diverted from my course.

I have written Governor Tompkins on the subject of a draught of militia, for the strait of Niagara, to supply the absence of our troops of the line, and prevent clamor, but have not been so happy as to receive an acknowledgment of my letter.

With perfect respect, your obedient servant.

J. A. WILKINSON.

Hon. J. ARMSTRONG, Sec'y of War.

WAR DEPARTMENT, SACKETT'S HARBOR,  
September 6, 1813.

DEAR GENERAL: I arrived here yesterday. Nothing new, except that Prevost has returned to Kingston. General Hampton will go through the campaign cordially and vigorously, but will resign at the end of it. He will be ready to move by the 20th, with an effective regular force of four thousand, and a militia detachment of one thousand five hundred. On the supposition that Sir George had decidedly taken his part, and had chosen the peninsula as his champ de bataille, I had ordered Hampton to move immediately against the Isle aux Noix. Two thousand militia will be promptly assembled at Champion, twenty-four miles from this place, and on the route to the St. Lawrence. The place was selected as offering two objects, and of course leav-

ing his knightship to guess. To have pushed them directly to Ogdensburg would not have had that advantage. A larger draught would have been difficult. Another view of the subject is, that this part of the plan cannot be confided to militia exclusively; they must be propped by a regular corps, otherwise the back door may not be sufficiently closed and barred.

The battle on the lake! Shall we have one? If Yeo fights and is beaten, all will be well. If he does not fight, the result may also be favorable.

Yours, cordially,

JOHN ARMSTRONG.

General WILKINSON.

Extract of a letter from Major General Wilkinson to the Secretary of War, dated

FORT GEORGE, September 11, 1813.

"I have indulged the hope, for several days past, that I should have been enabled to address you *propria persona*, but in this I have been baffled by a severe and unremitting malady, which obliges me to resort to the pen of a common friend.

"I reached this place the evening of the fourth. Commodore Chauncey at that time occupied the harbor; and Sir James Yeo, with the British squadron, was vaporizing in front of it. This state of things continued, without any material change, until the evening of the 7th, when a light land breeze gave to the Commodore an opportunity of standing out to meet the enemy. The two squadrons were about two leagues asunder, of consequence an action appeared inevitable: yet so it has happened, that, since that period, until about five o'clock, yesterday, P. M., these two naval armaments have kept from four to eight miles distant, without having exchanged a single shot, or done to each other the smallest visible damage, the British uniformly on the retreat, and the American in pursuit.

"General Peter B. Porter left me to-day, properly authorized and instructed to bring into operation a corps of the Six Nation Indians, which he proposes to increase to one thousand men, by volunteers from the militia, and is disposed to be busy and active wherever he may be directed.

"I hear nothing of Brigadier General McClure and the New York militia. I shall mature my plans for embarkation as rapidly as the difficulties which may oppose me can be removed; but we are greatly deficient in transport, and have not received a single boat from Oswego or any other place. Strong shallops and slip-keels are necessary to the transport of the heavy cannon, ordnance stores, ammunition, clothing, &c.

"I am writing to Bomford for many things, which I was assured I should find here, and I pray you to put him on the alert, or I may be caught in the snow.

"I dictate this under much depression of head and stomach, and am, with great respect and esteem, your most obedient servant.

"JAMES WILKINSON."

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Extract of a letter from General Wilkinson to the Secretary of War, dated

FORT GEORGE, *September 16, 1813.*

"I have escaped from my pallet, and with a giddy head and trembling hand, will endeavor to scrawl you a few lines, the first I have written since my arrival here.

"With respect to the advance squadrons, we are still without one word of authentic information, but we are entertained by daily rumors, as wild and extravagant as they are inconsistent and contradictory. I hope we may soon have an end of this state of uncertainty, which damps our exertions, and retards our measures.

"The removal of the main body of the troops from this position is an operation of great delicacy and interest; and it was therefore your presence here would have been more important than elsewhere.

"I am not authorized to abandon this useless occupancy, and therefore it must be maintained against the united British force in its vicinity. To secure the end, and nothing must be hazarded, will require a serious drain from our best troops, which enfeebles our too feeble force for the main attack. The head of the militia under McClure has not yet shown itself; when it does, (if in any reasonable time,) and we have conferred, I shall be better enabled to develop the intricate path before me. But, in the mean time, alas! sir, the season will, I fear, be lost.

"The Indians enter into our views with great zeal, and I look for a corps of at least five hundred men in eight days; whether to relieve De Rottenberg of five or six hundred of his effective men, before I turn my back on him, will be determined by considerations of policy in relation to our red allies and the militia, and the fate of our squadron. The enemy profess to-day a total ignorance of the occurrence of an action between the squadrons.

"In the course of sixteen days, the enemy have lost sixty-five men by desertion, we barely six. We count 4,600 on paper, and could show about 3,400 combatants. The enemy, from the best information we have, have about 3,000 men on paper, of whom 1,400 are sick. Shall I make a sweep of them or not, at the hazard of our main object? Not unless that main object is jeopardized by the fate of our squadrons—it would require an operation of three weeks; but my views are forward, and I shall not abandon the prospect while a ray of hope remains.

"I have received your letters, to the 6th, from Sackett's Harbor, and thank you for them. For your comfort, the men here are gaining health, and, with their officers, breathe an ardent spirit for combat."

Extract of a letter from Major General Wilkinson to the Secretary of War, dated

FORT GEORGE, *September 18, 1813.*

DEAR GENERAL: Accident detained the express last evening, and gives me an opportunity to drop you another line.

Not a word more of Chauncey; what has become of him? I pray you to decide whether I am to move with or without any further knowledge of the squadron.

From the enclosed, No. 2, it would appear that the enemy expect tranquil Winter quarters in this neighborhood; for the number of barracks proposed to be built will not receive more than 1,400 or 1,600 men, including guards, ordinary and extraordinary, stow them as you can; but, shall I have the enemy within four miles of this place, making a wide investiture of it from Queens-town to Four Mile creek; or shall I break him up? With our prospects the decision is embarrassing; change them, to the abandonment of the chief design, and our course is direct, viz: to take possession at Burlington Bay, and cut up or capture the whole division in this quarter, which may be estimated at 3,000 regular troops. I pray you to deliberate on these points, and give me your advice without delay.

I have despatched an express to —, for General McClure, of whom I have heard nothing since my last; but to supply the defect of his silence, the enclosed copy of a communication from a committee, of which P. B. Porter is chief, will fully suffice. I have responded in the most courteous terms, making reference to you for your determination on the momentous occasion, as you will perceive from my answer. Now, let me entreat you to weigh these propositions, to take into consideration the possible failure of the militia, and the substitution in such case of these volunteers; for, in the present crisis, we should, if possible, render "assurance doubly sure." The letter of David Rodman (a stranger) is also transmitted for consideration. Let me have your answer, and tell me how to act as speedily as possible, I beseech. The boats from Oswego have not yet arrived.

I am feeble to childhood, but shall look at the troops in battalion on Tuesday.

Truly yours,

JAMES WILKINSON.

Hon. J. ARMSTRONG, *Sec'y of War.*

FORT GEORGE, *September 18, 1813.*

SIR: I am ordered by General Wilkinson to forward the enclosed papers: one, a letter from a committee of three, of which P. B. Porter is the first; and the other a letter from Daniel Rodman, the organ of an association of residents in and near Canandaigua.

I have the honor to be, your most obedient servant,

H. LEE, JR.,

*Major of Infantry, A. D. C.*

Hon. J. ARMSTRONG, *Sec'y of War.*

BLACK ROCK, *September 17, 1813.*

SIR: In consequence of encouragements from General Boyd, that a general and decisive movement was about to be made by the army, and that an additional force was desirable, we repaired to

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Fort George, about five weeks ago, with five hundred men, consisting of volunteers, militia, and Indians. Most of us remained there for twelve or fourteen days, but our hopes not being realized, the men continually dispersed and went home; not, however, without expectations, again encouraged by Generals Boyd and Williams, that we should be shortly called on again to aid in operations which the people in this part of the country, so long harassed by the calamities of war, feel so strong an interest in forwarding. Under similar expectations, many of our friends in the interior have intimated to us their readiness to join with respectable reinforcements on the shortest notice; and we are informed that one company, about seventy strong, is actually on its march, and will arrive here to-day or to-morrow.

We are at this moment much at a loss how to act, and our difficulty is increased by the various rumors and conjectures circulated by the different officers daily arriving from headquarters; some of whom represent that no offensive operations are to be undertaken on this frontier, but that the regular army is immediately to be marched, either to the East to attack Kingston, or to the West to join General Harrison. Others state, that an attack is to be made on the British forces in the vicinity of this place.

Under these circumstances, we are induced to inquire of you, whether such a force as we have it in our power to raise is desired by you to effectuate your plans; and, if so, in what numbers, and at what time? If your object be to sally out upon the enemy at Fort George, we could bring you a respectable force. But, on the contrary, if you meditate an attack at some other point, and the withdrawal of the regular troops from Fort George, and placing this frontier on the defensive only, by means of militia, we would observe that our prepared force is of such a character as could not be engaged in this service.

Upon the supposition that you intend to withdraw the regular troops from this frontier, we beg leave to submit a proposition for your consideration.

We believe we are not incorrect in saying that it would require nearly quite as great a force to defend this line of frontier against a given force of the enemy, as it would to attack and subdue that enemy. Sir George Prevost has ordered the militia of the upper province to be called out en masse. They are to assemble on Saturday next. And if, after your departure, the enemy opposite here should take it in his head to retain all his regular force, and play off his skill against the inexperience of our militia, we might have occasion to fear a repetition of former scenes in the present war.

Our proposition (in case of your leaving this place) is, that we be permitted to raise, between this and the first of October, a volunteer force of from 1,000 to 1,200 men, exclusive of Indians. That we add to it as many of the militia stationed on the lines as may be willing to join us. That we be furnished with a small train (say four pieces) of artillery, with experienced officers, and

men to fight them; and that with this force we be authorized to invade the enemy's country.

Should you think proper to confer such an authority on us, and direct that the volunteers shall be furnished with arms, ammunition, provisions, &c., and receive pay while in actual service, we pledge our lives that, before the close of the season, we will occupy the whole of the valuable and populous peninsula, opposite this river, and either capture, destroy, or disperse, all the enemy's force in this quarter.

You may, perhaps, make it convenient to send an answer by the bearer, Captain Hall.

We are, sir, most respectfully, your obedient servants,

PETER B. PORTER,  
CYRENIUS CHAPIN,  
JOSEPH MCCLURE.

Maj. Gen. WILKINSON.

CANANDAIGUA, September 14, 1813.

SIR: A large number of patriotic citizens of this and the adjacent towns, anxious to do their duty in a crisis so interesting to the nation in general, and to this part of the country in particular, have associated themselves to volunteer their services to the United States for the residue of the campaign at least.

In order to effectuate their intentions, however, it will be necessary that their movements should receive your approbation and sanction, and that they should be assured that the corps, whether a company, battalion, or (as is possible) a regiment, should be received, organized, and countenanced by your order and authority. The lateness of the season, and the anxiety of the members, induce us to request an early and authoritative reply, that the association may be equipped according to law, and be useful to their country this season. It may not be hardly decorous for us to say it, but we must observe that the subscribers will prove to be obedient and brave soldiers.

In their behalf, I am, respectfully, your obedient servant,

DANIEL RODMAN.

Maj. Gen. WILKINSON,  
or officer commanding Fort George.

FORT GEORGE, September 18, 1813.

GENTLEMEN: Your letter of yesterday, which reached me last evening, gives you a claim to my acknowledgments, and to those of your country. But, as I am altogether unauthorized, by law or instruction, to sanction your plan for the levy of a body of volunteers, and as your anticipations, propositions, and suggestions embrace a range and a character upon which I have neither right nor authority to deliberate, I have considered it my duty to transmit a copy of your letter to the Secretary of War, now at Sackett's Harbor, by express, for his deliberation and decision.

I hope he may find it convenient and proper to meet your views, and have only to add, that you shall be advised of his answer, without a moment's delay, after it may reach my hands.

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With high consideration and respect, I have the honor to be, gentlemen, your most obedient servant,

JAMES WILKINSON.

TO PETER B. PORTER,  
Major CYRENIUS CHAPIN, and  
JOSEPH McCLORE.

SACKETT'S HARBOR, *Sept. 18, 1813.*

DEAR GENERAL: Our information from the other side of the lake amounts to this: Prevost goes to Montreal; the whole regular force in Kingston consists of ten companies of De Waterville's regiment; that at Prescott, of two companies of the same corps and about forty artillerists.

De Waterville's regiment was made up in Spain, is composed of Poles, Germans, Spaniards, and Portuguese, and completely disaffected. What a precious moment, my friend, is this!

The Commodore was brought back to us yesterday by adverse winds. He goes this morning; let not the great objects of the campaign be hazarded by running after Yeo; these accomplished, his race is run. Kingston, or the point below, seized, all above perishes, because the tree is then girdled.

In speaking of your artillery, you do not include the guns taken at Fort George, and which will be necessary for its defence. A small garrison will be sufficient against assault; siege we need not dread. It is already too late to live in trenches. Porter (of the artillery) would do well to command the place. Tell him from me he is a Brigadier by brevet.

The means of transportation are now with you; hasten your march, and may God bless you in all your enterprises.

Yours, truly and always,

JOHN ARMSTRONG.

General WILKINSON.

Extracts of a letter from Major General Wilkinson to the Secretary of War, dated

"SEPTEMBER 20, 1813.

"I am well again, and that's a good thing; for I have been, during my sickness, somewhat of a *Smelfungus*.

"Now, indeed, would be a fine time to slip into the St. Lawrence, if Chauncey could keep Sir James blockaded above Kingston, and command the river below at the same time, and our preparations were completely matured; but it is an herculean task to extract order from chaos. No time has, or shall be, lost on my part; but we cannot, when prepared at all points, control the winds. It was last night, only, the transports from Oswego arrived; and, if I am not hardly opposed by weather, I hope I shall have one thousand men afloat by the 26th, and complete my embarkation on the 30th; after which, until we reach Grenadier Island, I must look to our squadron and the heavens for safety.

"Chauncey tells me he is liable to be blown off from his station, and, in such case, Sir James may slip out by him, but promises to follow him.

It is material, to prevent the enemy from following and cutting our rear, that some competent force should take post on the St. Lawrence, below Kingston; and I pray of you to make this arrangement with Chauncey. Before I left Sackett's Harbor, I ordered a dozen slip-keeled boats, to carry fifty men each, and to row thirty oars, to be armed with a light cannon in their bow. This armament is to sweep the St. Lawrence of the enemy's gunboats, and to take post in advance, when and wherever it may be advisable. I beg you, if necessary on your part, to give effect to this order.

"We have just received advice confirmatory of a naval combat on Lake Erie, in which it is said Perry has taken the whole British squadron, on the 10th instant, and brought the vessels into 'Putney harbor, at the islands,' his own vessel, the *Lawrence*, barely capable of being floated. The action lasted six hours. This will cancel your news from our Commodore. The enclosed letter from General McClure breathes a good spirit, but he will not be up for several days. In the meantime I shall prepare his orders, to be ready to give him the command.

"A body of horse, a small one, at that point where the fate of the island is to be decided by combat (for I believe not that we shall get possession of Montreal without a battle) will be invaluable. Burn has been ordered hence, sometime before my arrival, to recruit his cavalry, and prepare them for action, and I shall order him by express to-morrow to incline by indirect dilatory marches towards Hamilton, there to look for further orders, somewhere about Antwerp, or that quarter. From Denmark or Champaign he is to advise the commanding officer at Sackett's Harbor of his movements.

"De Rottenberg is under the full belief that I mean to attack him, and I shall keep up the delusion as long as possible.

"The snail's pace of the reinforcements approaching this division, and, pardon me, their direction and route, occasion me surprise. Of what avail will be the detachments under Colonels Randolph and Coles,\* which are, I learn, from Washington, on their march to this place, where they cannot, or will not, arrive before the 15th proximo? If these detachments had been ordered on by all the available water communications from Annapolis to Albany, they could have reached Sackett's Harbor in season, and a column of eight hundred men would have been found an important desideratum in our impending operations. Where, also, are the one thousand men reported to me by Colonel Duane as being ready for march, before I reached Philadelphia? I must hope, near Sackett's Harbor. I put these questions to you that I may apprise you of facts, that you, with whom it rests, may apply the remedy, for I find we possess little military subordination or respect, and that a chief of an army is obeyed more from courtesy than principle or professional obligations.

\* These corps arrived in time.



*Failure of the Northern Army.*

"I send this by the privateer Fox to Commodore Chauncey, with a request that he accelerate its progress to you. This place neither stops a gap, extends our possessions, nor covers or protects a country; it is good for naught, but to command the ground it occupies, and, therefore, I shall dismantle and abandon it."

Extract of a letter from the Secretary of War to Major General Wilkinson, dated

"SACKETT'S HARBOR, Sept. 22, 1813.

"DEAR GENERAL: Your letters of the 16th, 17th, and 18th instants, have been this moment received; I hasten to answer them. The main object must be prosecuted. Chauncey is not broken down; he can and will command the lake, and, while he does so, our position at Fort George may be maintained. If the enemy's sick list amounts to one thousand four hundred out of three thousand, the enemy can undertake nothing with effect. In this view of the subject, close with P. B. Porter's proposition, made in the following words, viz: 'Our proposition (in case of your leaving this place) is, that we be permitted to raise, between this and the 1st of October, a volunteer force of from one thousand to one thousand two hundred men, exclusive of Indians; that we add to it as many of the militia stationed on the lines as may be willing to join us; that we be furnished with a small train, (say four pieces of field artillery, with experienced officers and men to fight them,) and that with this force we be authorized to invade the enemy's country.'

"Rodman's corps may join Porter. Any volunteers you may have with the army, whose times are near expiring, and who are desirous of continuing in service, may do so, also. We will cover the whole by a requisition upon Governor Tompkins for additional militia.

"The enemy's fleet have left the Chesapeake, I believe, for Halifax, whence the land troops are to be sent into Canada—another motive for quick movements.

"My last letters by Chauncey, of the 18th or 19th, gave you all we yet know. Prevost has left Kingston, it is said for Quebec, more probably for Montreal.

"Yours, faithfully and ever,

"JOHN ARMSTRONG."

NIAGARA, Sept. 27, 1813, 6 o'clock, A. M.

DEAR SIR: I received, at eight o'clock last evening, your interesting letter of the 22d, and shall employ its authorizations to the best possible effect.

Fifteen hundred men were embarked, with orders to sail the day before yesterday, but a strong easterly wind has made it impossible to move.

The whole force (say three thousand combatants, after deducting the garrisons of Forts George and Niagara) were ready for embarkation yesterday, and, as the weather is serene at this moment, I hope the whole may be able to

move at dusk this day; I say, at dusk, because I am desirous to keep my neighbors under a delusion as long as possible; they are perplexed as to my intentions, and will not be able to penetrate them before they have discovered the course of my flotilla.

I have authentic information from York the evening of the 24th instant. The brigade of militia in the vicinity were required to assemble the 25th, and six hundred men of the 41st and 49th regiments, second battalion, were daily expected there on their route to this neighborhood. This is good; and still better, three spacious block houses are ordered by Sir George to be erected at York.

But, sir, here is one drawback: the tantalizing Sir James Yeo was in shore with his fleet, on the evening of the 24th, (Friday,) about twenty-eight miles east of York. Where he is now we know not, for he has not since been heard of, and Chauncey is just sending out the Lady of the Lake and the Neptune to reconnoitre York, and the coast in that quarter. What may be the views of the Knight? To gasconade, to retard my movement, or to enable De Rottenberg to follow me, I am unable to divine; but will not be longer delayed, and, therefore, shall be twenty miles to the eastward before to-morrow morning, should the weather permit. If Sir James can be discovered, Chauncey will seek him; otherwise, he will sail with me to cover my left flank.

As we have not a moment to lose, I shall proceed directly to Grenadier\* island, writing you, and sending orders to the commanding officer, by a despatch boat, *en passant*.

After all, we are so straitened for transport that we shall not find room for more than fifteen days' provisions; indeed, we have little more to spare from this position, and, therefore, our sole dependence must be on the magazines at Sackett's Harbor, which the contractor should be personally advised. Heaven protect you!

Truly yours,

JAMES WILKINSON.

HON. JOHN ARMSTRONG,  
*Secretary of War.*

FORT GEORGE, Oct. 2, 1813.

DEAR SIR: Since my last, of the 17th instant, I have had difficulties, perplexities, and anxieties, sufficient to discompose a saint.

Commodore Chauncey having ascertained that the British squadron was on the opposite coast, agreeably to the information I had given him, left port on the evening of the 27th to look for it; on the morning of the 28th we discovered our squadron off this place about mid-channel, and standing for the York shore; about 12 o'clock, though very distant, we discovered it was warmly engaged—the enemy to leeward, and scarcely discernible; we could, with our glasses, distinguish the Pike firing both her batteries, and fre-

\* I had determined on this point of rendezvous before I heard from General Brown.

*Failure of the Northern Army.*

quently enveloped in smoke. The enemy were forced towards the head of the lake, and about 3 o'clock we lost sight of our sternmost vessel, the action still continuing. From that period, until yesterday morning, I was kept in suspense as to the issue of the action; the wind blowing a gale from the southeast, and producing such a swell as made it impossible for our privateers to keep the lake; and of course my flotilla was confined to port with the troops, either on board, or encamped on the beach. The evening before the last, our whole fleet (alone) were discovered beating down the lake. In the course of the night they came to, off Four Mile creek, and yesterday morning the Commodore presented himself. Our observations on the action were in the main correct, except that the battle was fought by the Pike alone, (or next to it,) who, having carried away Sir James's mizzen and main topmasts, his squadron bore up to protect him, and Chauncey was engaged with the whole. Unlucky fellow! he could have taken a schooner and a brig, but his eyes being fixed on the Commodore, he would not look at smaller game. Finally, Sir James, as usual, ran away; was chased to the head of the lake; came to anchor close in shore; and the gale and tremendous sea threatening, in case of a continued action, to put both squadrons on shore—Sir James, with the British force, assembled there, and Chauncey into the hands of the enemy—he clawed off and came down to confer with me. He has my opinions in writing, and I expect his answer this morning.

Early yesterday, before I had heard from the Commodore, the wind, for the first time, becoming favorable, I despatched all my batteaux; and, as soon as I had ascertained Sir James Yeo's situation, our sail boats followed; but, alas! before one o'clock the wind again came round to the southeast, and several of our schooners returned, though a majority of them, and the whole of the batteaux, proceeded, and I hope reached Eighteen Mile creek.

I have been detained by the arrival of about three hundred and fifty Indians, to whom I was obliged to give an audience and a talk, and I lodged in this place to see whether the enemy might look at it, and what would be the conduct of the garrison of six hundred and ninety militia, and eight hundred regular troops, under the command of Colonel Scott. We have just had an alarm, and being myself among the first on parade, I have witnessed a scene by which I shall profit Scott, before I leave him, which will be in a couple of hours, as, thank Almighty God, the wind again breezes, though it has rained all night, and still continues to rain. Oh! if it may please God to favor us with this breeze, we shall soon be near you; but it is in his power, by adverse winds, to delay, and, by tempests, to destroy us. I move with about three thousand five hundred men. Farewell, and God preserve you!

JAMES WILKINSON.

Hon. JOHN ARMSTRONG,  
Secretary of War.

13th Con. 2d Sess.—77

Extract from the Journal of the Secretary of War.

"4th of October, 1813.—General Wilkinson arrived at Sackett's Harbor on this day from Fort George. He immediately visited the Secretary of War, in company with Generals Lewis and Brown, and in the presence of these officers remonstrated freely and warmly against making an attack on Kingston, urging the propriety of passing that post and of going directly to Montreal.

"The Secretary of War differed from General Wilkinson in opinion, but thought his objections worthy of consideration, and proposed a meeting on the day following for that purpose.

"The meeting took place accordingly, when General Wilkinson presented the paper marked No. 1. That marked No. 2 was presented by the Secretary, and the opinion with which it closes was adopted as that which should regulate the movements of the army."

No. 1.

Reasons for attacking Kingston *anterior* to a descent upon Montreal.

1st. We shall capture a garrison of eight hundred or one thousand, and demolish a strong hold of the enemy.

2d. We shall destroy his naval depot and magazines of every species.

3d. We shall, by this operation, diminish his force, destroy his resources, and place the division at the head of the lake, under De Rottenberg, in great difficulty and distress; and

4th. We shall destroy every naval resource, and of consequence prevent the building, equipping, and even repairing, a single vessel.

Against this attack it may be urged—

1st. That the reduction of the place may cost more than we calculate on.

2d. It may encumber us with wounded and sick; and

3d. It is possible the British squadron may, as heretofore, elude Commodore Chauncey, and find us before Kingston, or overtake us on the St. Lawrence.

In the first place, from the lateness of the season, the loss of a few days may expose us to the autumnal rains, and jeopard the chief object of the campaign. In the second place, our own force will be diminished and our movements retarded; and in the third place, the chief object of the campaign, the capture of Montreal, will be utterly defeated, and our own army subjected to great difficulties, losses, and perils.

Submitted to the honorable Secretary of War.  
JAMES WILKINSON.

No. 2.

1st. The Niagara division will probably arrive here in a day or two.

2d. The weather is yet good, and the lake navigable by scows and boats.

3d. The enemy's main force is in the neighborhood of Fort George, and his fleet at the head of the lake.

4th. The garrison of Kingston does not exceed eight hundred or one thousand men.

*Failure of the Northern Army.*

5th. If we effect a landing at McPherson's farm, on the eastern side of Kingston, a point may be seized which will command the town, the forts, and the harbor; and, within seven hours after the landing is effected, a sufficient battery may be erected and in operation.

6th. Nine and twelve pounders will be sufficient for burning block-houses, &c., and may be dragged by the men.

7th. The time necessary to reduce the place will not exceed a single day, and of course will not materially interfere, on that account, with our object below.

8th. The loss we may sustain can only be conjectured. Judging from that at Fort George, where the enemy were more numerous, it will be inconsiderable.

9th. The advantages of taking Kingston are two: you sever the enemy's line of communication, and you expel him from his only secure harbor.

The premises assumed under the 1st, 2d, 3d, 4th, and 5th heads, may change, and our conclusions with them. The only safe decision therefore is, that if the British fleet shall not escape Commodore Chauncey, and get into Kingston harbor; if the garrison of that place be not largely reinforced; and if the weather be such as will allow us to navigate the lake securely, Kingston shall be our first object, otherwise we shall go directly to Montreal.

JOHN ARMSTRONG.

SACKETT'S HARBOR, Oct. 5, 1813.

WAR DEPARTMENT, Oct. 9, 1813.

DEAR GENERAL: Does there exist between you and the Commodore a clear and distinct understanding on the subject of our plan of operations, and the kind and degree of assistance he will be able to give to its execution? Can he take a position which shall have the effect of shutting in Yeo, and of covering our descent upon Kingston, and our subsequent movement down the St. Lawrence? Is it not probable that a part of the enemy's fleet will, immediately on our appearance at Grenadier Island, occupy the passage of the river? If we can be covered in going to our first object, and should attain that, we may be able to dispense with further naval assistance; but, should we fail, (a contingency which, being possible, ought to be regarded,) naval aid will be necessary to the prosecution of the second part of the plan. As the fleet is wind-bound, and the Commodore here, explanations on these points may be readily and conveniently given. Let me know the result, and believe me

Truly yours,

JOHN ARMSTRONG.

Major Gen. WILKINSON.

HEADQUARTERS, SACKETT'S HARBOR,  
October 9, 1813.

DEAR SIR: The Commodore and myself have hitherto understood each other perfectly, and I think we shall harmonize to the end. He is ready

to sail the moment the wind serves; and you may rest assured that nothing essential to give effect to the operations of the army under my command, and to accomplish the views of the Government, has been or shall be omitted.

Respectfully and truly yours,

JAMES WILKINSON.

Hon. J. ARMSTRONG, Sec'y of War.

Extract of a letter from General Wilkinson to the Secretary of War, dated

HEADQUARTERS, SACKETT'S HARBOR,

October 18, 1813.

"The diminution of our force, by disease and various casualties, and more especially the uncertainty of the period of our movement against Montreal, render it necessary, in my judgment, that you should revoke the order of march you have given to Major General Hampton, and that he should be directed to march for Morrisville, as rapidly as may be consistent with the health of his troops. This proposition is founded on the presumption that we make the reduction of Kingston and the conquests of the upper provinces the first objects of our operations."

WAR DEPARTMENT, Oct. 19, 1813.

SIR: I received your letter of yesterday, and should have answered it more promptly, but that business of the South and West required my immediate attention.

When, on the 4th instant, you returned from Fort George, we had the prospect of a speedy concentration of our forces at this point. The Niagara division had sailed on the 30th ultimo; the enemy's principal force occupied a cantonment between Lakes Erie and Ontario; his fleet was at the head of the lake, and his garrison at Kingston reduced to seven or eight hundred men. Under these circumstances it was no doubt wise to decide as we did, that our first attack should be carried against that place; but do these circumstances any longer exist? The expected concentration is but now effected, (18th of October.) A reinforcement of one thousand five hundred men has been thrown into Kingston; the British fleet has got into port there, and our force, from disease and other casualties, is, according to your statement, diminished and diminishing. To reinstate and augment this, it is now proposed to order General Hampton from his present position at Chatauge, to Morrisville, on the St. Lawrence. These places are distant upwards of one hundred miles. A march of such length, at this season of the year, and in the present condition of the roads, loaded as he is with a train of artillery, with means of subsistence, and with tents and baggage, cannot be performed under fifteen days, to which must be added the time necessary for giving the order for making the arrangements preliminary to such a movement, and for making also the subsequent one from Morrisville to the mouth of the Gaunanoqui river; all of which would probably protract the moment of junction till the 15th of November.

*Failure of the Northern Army.*

Admonished, as we are, by the storms which have assailed us for ten days past, and which have not yet ceased, I cannot but think that a period so late would of itself be fatal to the project.

Other circumstances lead to the same conclusion. Beginning our operations from the mouth of the Gaunanoqui river, we shall have a march of twenty-four miles to Kingston, and through a country covered with woods, destitute of inhabitants, and pervious only by two roads, which, without any interruption from the enemy, are represented as nearly impassable at present. This movement (unlike that originally projected\*) cannot be made without the aid of horses, and a less number of these than six hundred,† including the second regiment of dragoons, is, I understand, deemed insufficient. Now these must be fed, and their provender drawn from this place, as the country between Gravelly Point and Putneyville affords none, and interposes a swampy desert, which shuts us out from the supplies of Rossie and Rayville, &c. An important question arises here—can the necessary forage be obtained from this neighborhood? The Quartermaster General says "it cannot, that it must be carted from Lowville, (forty miles distant,) and transported hence by water." These facts, on your plan, menace our operations against Kingston, with a delay which would probably surround us with all the embarrassments of a Canadian Winter, and extinguish every hope of grasping the other—the safer and the greater object below. I call it the safer and greater object, because, at Montreal, you find the weaker place, and the smaller force to encounter: at Montreal, you meet a fresh, unexhausted, efficient reinforcement of four thousand men: at Montreal, you approach your own resources, and establish between you and them an easy and an expeditious intercourse: at Montreal, you occupy a point which must be gained in carrying your attacks home to the purposes of the war, and which, if seized *now*, will save one campaign: at Montreal, you hold a position which completely severs the enemy's line of operations; which shuts up the Ottawa as well as the St. Lawrence against him; and which, while it restrains all below, withers and perishes all above itself.

These, General, are the thoughts which present themselves on your proposition, and which I understand as abandoning, for this campaign, the proposed attack on Montreal. I am entirely disposed to listen to all that can be said on the other side of the question, but, at present, the reasons assigned leave me no doubt of the policy of pursuing, promptly and firmly,‡ the plan already indicated, and which, besides the approbation of the

\* A descent at McPherson's farm, two miles and a half below Kingston.

† Forage for this number was required by the General.

‡ This refers to the preceding plan, approved by the President on the 23d July, and communicated to Gen. Wilkinson on the 5th of August.

President, has received the sanction of a council of war.\*

I am very respectfully, &c.

JOHN ARMSTRONG.

Major Gen'l WILKINSON.

HEADQUARTERS, SACKETT'S HARBOR,  
October 19, 1813.

DEAR SIR: I was about to embark for Grenadier Island when I received your letter of this morning, which I will endeavor to answer; my very feeble condition, and the want of time for reflection, disqualify me from doing full justice to my opinions.

You will recollect that, in my letter of the 6th of August, I proposed to take Kingston, as preliminary to an attack on Montreal; you offered a different opinion in your letter of the 8th, and, on my arrival here, I submitted the alternative to a council of war, which decided in favor of your plan to leave Kingston untouched, and proceed directly against Montreal; but ulterior considerations and information† have induced me to adhere to my original plan.

Permit me, previous to the discussion of the grounds of my opinion, to submit a few incidental remarks.

It is extremely doubtful what may be the present force of the enemy at Kingston, and very uncertain how much our own force may have been diminished by disease, and the casualties attending our movements.

From the retreat of Proctor before General Harrison, and the information received from Colonel Scott, I think it probable that De Rottenberg, with the effectives of his division, has gone to reinforce Proctor, and that the troops which have descended to Kingston consisted only of the sick of that division.

\* This council consisted of Generals Wilkinson, Lewis, Brown, and Swartwout, and Commodore Chauncey. The opinion was unanimous.

NOTE.—Before the Secretary of War left Sackett's Harbor, and while it was deemed practicable, and was intended to carry our attacks against both Kingston and Montreal, he had one or more conversations with Commodore Chauncey, on the general subject of naval co-operation. These had particular reference to two points—the place of landing, [in case Kingston was the object of attack,] and the degree of protection which the fleet could be able to render to the debarkation of the army. The places of descent indicated by the Secretary were three:

1st. McPherson's farm, two miles and a half below Kingston.

2d. The mouth of the Little Cataraqui, four or five miles above Kingston; and

3d. The mouth of the Gaunanoqui river, twenty-four miles below Kingston.

The Commodore's answer was substantially as follows: that he would not take upon himself the responsibility of covering the landing of the army at the *first* of these points, but that he would cover its landing at either of the other two.

† This ulterior arrangement was not communicated to the Secretary of War.

*Failure of the Northern Army.*

My idea of recalling General Hampton to reinforce us, was produced by an alarm with respect to the insufficiency of our force, which I found spreading; and the direction which I suggested was founded on your own proposition\* of the 13th instant, at which time I understood you to offer the opinion, that the march from Hampton's encampment to Morrisville might be accomplished in six days, and my own opinion is, that, by disembarassing himself of his artillery and attiral, perhaps he might be able to make the march in that time, or a few days more.

My reasons for preferring the attack of Kingston to that of Montreal, are these:

By the reduction of that place we conquer a province, not only of great importance to the enemy, but a valuable acquisition to ourselves; we capture or destroy four thousand of his best troops; we put an end to the Indian war; and, by the destruction of his naval force, establish our command of the lake, and permit a respectable part of our naval force to be employed elsewhere.

On the contrary, leave Kingston, its garrison, and the British squadron in our rear, and proceed to Montreal, none of those important objects will be gained. The enemy will remain in undisturbed possession of the province, at liberty to exercise his enterprise against this frontier at discretion; for it is a fact, however opinions may vary, the resources of the province are adequate to the subsistence of his army. His naval superiority on the lake will be re-established by the opening of the Spring; the Indian depredations may be encouraged or continued; or, should he prefer it, he may, on the opening of the campaign, leaving Sir James Yeo triumphant on the lake, with a suitable garrison for the protection of Kingston, descend the St. Lawrence with his main force, and fall upon our rear, while we shall be engaged in front, admitting we succeed in establishing ourselves at Montreal.

Having passed Kingston, the fortifications at Prescott may present such an obstacle to our further progress, as to compel us to land and reduce it by force—an operation which may consume more time than can be spared at this advanced season. I speak conjecturally; but, should we surmount every obstacle in descending the river, we shall advance upon Montreal ignorant of the force arrayed against us, and in case of misfortune, having no retreat, the army must surrender at discretion. I will barely add, that, as the Winter commences at Montreal by the 20th of November, should we be delayed on the route by any untoward incidents, our embarrassments and perils will be greatly multiplied.

I offer these results of my frail judgment with a conscientious regard for the public good. I am bigoted to no project, and therefore am willing to yield my own judgment to that of others.

\* What is here called a *proposition* was but a question, whether the march could be performed in six days? General W. answered in the negative, and advised that General Hampton should be ordered to go on to Cognawaga.

Personal consideration would make me prefer a visit to Montreal to the attack of Kingston; but before I abandon this attack, which by my instructions I am ordered to make, it is necessary to my justification that you should, by the authority of the President, direct the operations of the army under my command particularly against Montreal.

With my earnest wishes for the successful issue of whatever may be undertaken, I am, dear sir, with much respect and esteem, truly yours,

J. A. WILKINSON.

HON. J. ARMSTRONG, *Sec'y of War.*

N. B. All the objections which apply to the landing below Kingston may be obviated by landing above it. My sole motive for suggesting the idea of landing below, was to prevent the garrison's escape. If there be a deficiency of forage on our part, it is the fault of the Quartermaster General, who was instructed as early as August to lay in a supply of twelve thousand bushels for the subsistence of the cavalry.

J. A. WILKINSON.

HON. J. ARMSTRONG, *Sec'y of War.*

Endorsement on the preceding letter by the Secretary of War.

NOTE.—If we look at the plan of campaign of the 23d of July, we find that it proposed an attack on Kingston, and even indicated the mode of that attack. If we examine General Wilkinson's letter of the 6th of August, we find that he provisionally adopted that opinion; and if we refer to the letter of the Secretary of War of the 8th, so far from expressing a *different opinion*, we discover that it instructed the General to choose between a *direct* and an *indirect* attack on that post. It was not, therefore, any *difference* of opinion between the Secretary and the General that was submitted to the council of war, as stated in the preceding letter, but the mere *alternative* presented by the instructions of the letter; the simple *choice* between the two modes of attack.

WAR DEPARTMENT, Oct. 20, 1813.

SIR: I received your letter of yesterday by Major Lee. You appear to have written it under an impression that your instructions of August last made a direct attack upon Kingston unavoidable. A copy of these instructions is before me, and in the last paragraph of them we find a summary of their substance. It is as follows: "After this exposition, it is unnecessary to add, that, in conducting the present campaign, you will make Kingston your principal object, and that you will choose, as circumstances may indicate, between a *direct* and an *indirect* attack on that post." Both modes of attack are slightly detailed in these orders, and a preference given to the latter, but without at all infringing your right of choice, or in any degree lessening your responsibility. *Nor am I now at liberty to change the ground of these instructions*, since the only effect of this would be to substitute my opinion for yours. The former

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has not, however, been withheld; it has been given freely and fully, and is yet unshaken by any consideration presented to my mind.

As we are now about to part, it may be proper that I should subjoin to what I have said in favor of a movement on Montreal, a short statement of my objections to a direct attack on Kingston.

1st. If its garrison consists of *four thousand* of the best troops of the enemy, (as you suggest) your attack will fail.

2d. If your attack fails, your retreat is impracticable.

3d. Your descent must necessarily be made above or below the town, on the water's edge, and within a short distance of your object. If made *below* the town, your fleet cannot cover it;\* if made *above* the town, it must be done in presence of the enemy, and within stroke of his fleet, and that he will think the object sufficient to justify the risk cannot be doubted. Besides, an approach on this side, however successful, leaves to the enemy the means of escaping.

4th. The experiment already made of the lake navigation is not encouraging. Though pressed by no enemy other than the weather, the army has not been able to reach Grenadier island but in broken order, and with considerable loss. On your plan, they have eighteen other miles to go on the open lake, and much of this distance under the eye of the British fleet. Is it probable that our *scows* will be able to navigate this remaining distance (at a season and under circumstances so unfavorable) in better order, or with less loss?

These are the best thoughts I can offer, and it only remains to add to them my best wishes for your army and for yourself.

JOHN ARMSTRONG.

Major General WILKINSON.

LADY OF THE LAKE,

*Off Sackett's Harbor, Oct. 24, 1813.*

SIR: I was at Grenadier island the day before yesterday, and found the troops dropping in so slowly that I determined to return, hunt them up, and quicken their movement. My presence at the harbor was also necessary to have clothing selected to cover numbers of our naked men.

I will say nothing of the horrid condition in which that place was left. Colonel Coles has arrived with upwards of two hundred good men, and expects about eighty more to-day. Randolph and Scott are expected at Oswego, nine hundred strong. I have contrived to rig and send off vessels to bring up six hundred of them in season for my movement from Grenadier island, which will not be delayed one instant unnecessarily. The people at Kingston appear to be much affrighted, firing their alarm guns on the slightest appearance. J. N. has returned, and if he may be credited, De Rottenburg has not arrived, and all the force they can spare is sent down the river to take

possession of, and fortify, some critical passes. My health continues, unfortunately, bad.

I have the honor to be, most respectfully, sir, your obedient servant,

J. A. WILKINSON.

Extract of a letter from Major General Wilkinson to the Secretary of War, dated

GRENADIER ISLAND, Oct. 28, 1813.

"I send you this by an extra Aid-de-Camp, Captain Nourse, to relieve the anxiety to which you must be subject, in the impending eventful moment.

"The extent of the injuries to our craft, the clothing and arms of the men, and to our provisions, on the passage from Sackett's Harbor to this place, greatly exceeded our apprehensions, and has subjected us to the necessity of furnishing a supply of clothing, and of making repairs and equipments to our flotilla generally. In fact, all our hopes have been very nearly blasted; but thanks to the same Providence which placed us in jeopardy, we are surmounting our difficulties, and, God willing, I shall pass Prescott on the night of the 1st or 2d proximo, if some unforeseen obstacle does not present to forbid me. I shall expect to hear from you at Morrisville, where Colonel Swift is to meet me, and to guard against chance shots, I wish wagons would be held in readiness to receive our powder and field ammunition, at a suitable distance above Prescott.

"I keep up the delusion here; and the enemy, about sixteen hundred strong, exclusive of five hundred militia, are in daily expectation of a visit at Kingston, yet they have taken post, I understand, at Cornwall and the Coteau de Lac. No matter; once past Prescott, and our bayonets and sabres shall remove all impediments.

"The inexorable winds and rains continue to oppose and embarrass our movements; but I am seizing on every moment's interval, to slip into the St. Lawrence, corps and detachments, as they can be got ready. Our rendezvous will be in Bush creek, about twenty miles below, and nearly opposite to Gaunanoqui, which position menaces a descent on the opposite shore. I shall sail from that position at four o'clock of the morning, and will pass Prescott about the same time the ensuing morning.

"We have had such a fluctuation of sick and well between this place and Sackett's Harbor, that it is impossible to say in what force we shall move; but I calculate on 6,000 combatants, exclusive of Scott and Randolph, neither of whom will, I fear, be up in season, notwithstanding all my arrangements and exertions to accelerate their march; they are both under provisional orders for Ogdensburgh."

WAR DEPARTMENT, DENMARK,  
October 30, 9 o'clock P. M.

DEAR GENERAL: I this moment received your despatch by Captain Nourse. I rejoice that your

\* Commodore Chauncey declared he would not take the responsibility of covering the descent of the army if made at McPherson's farm, *below* the town.



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difficulties are so far surmounted as to enable you to say with assurance when you will pass Prescott. I should have met you there; but bad roads, worse weather, and a considerable degree of illness, admonish me against receding further from a point where my engagements call me about the 1st proximo. The resolution of treading back my steps was taken at Antwerp, and communicated in a letter from that place by Maj. Lush. I wrote a single line to you to-day, giving the fortunate issue of Harrison's business, and his arrival at Fort George with McArthur's brigade. If Vincent be within the peninsula, Harrison will root him out. It remains with you to sweep the rest of the line before you. Montreal taken, what are Prescott and Kingston? Give Hampton timely notice of your approach, and of the place and hour of junction.

Yours, sincerely,

JOHN ARMSTRONG.

Major General WILKINSON.

Extracts of a letter from Major General Wilkinson to the Secretary of War, dated

GRENADIER ISLAND, Nov. 1, 1813.

"You will perceive from the duplicate under cover (letter of the 28th of October) what were my calculations four days since; but the winds and waves and rains and snow still prevail, and we have made several fruitless attempts to turn Stony Point, one of them at great peril to three thousand men, whom I seasonably remanded to the harbor without the loss of a life. Our sick, one hundred and ninety-six in number, have not fared as well; they were embarked in stout comfortable vessels, and sailed the day before yesterday morning for Sackett's Harbor, but they were driven on shore by a storm, which continued with unrelenting violence all night; and as no exertion could relieve them, I anticipated the loss of the whole; but the tempest having abated, and the wind shifted from southwest to northeast, boats were sent out yesterday morning, and Dr. Bull reports the loss of three men only. Other means of transport will be provided to-morrow, and these unfortunate men will be sent to the hospital at Sackett's Harbor.

"Brigadier Brown with his brigade, the light artillery, the riflemen, the volunteers, the gunboats, Bissell's regiment, and a part of Macomb's, are, I expect, safe at French creek, with the artillery and ordnance stores. These corps have made the traverse of the arm of the lake under circumstances of great danger, though fortunately without the loss of a life, but at the expense of some boats.

"I shall wait one day longer, and if the passage should still continue impracticable to the troops, I will land them on the opposite shore, march them across the country to the St. Lawrence, and send the empty boats round to a given rendezvous.

"As Major General Hampton is under your orders, permit me to suggest to you what is worthy of reflection—whether he should take a position

and wait the arrival of my command near the confluence of the St. Lawrence and Grand river, or whether he should move down the St. Lawrence and menace Chambly? If he is strong enough to meet Sir George, the latter will be the preferable plan, because it will have the effect to divide the enemy's force; otherwise he should adopt the first idea, hazard nothing, and strengthen my hands.

"The enclosed copy of a memorandum from Colonel Swift will show you what he is about, I flatter myself, to your satisfaction. The sole unpleasant circumstance before me, is our total ignorance of the *preparations* of Sir George, and what we may expect to meet on the island. I fear no consequences; but it must be painful to lead more than six thousand men to battle hoodwinked; and yet all my efforts to procure intelligence from Montreal have proved fruitless."

Extract of a letter from the Secretary of War to General Wilkinson, dated

WAR DEPARTMENT, Nov. 1, 1813.

"Prevost will perhaps be found between the Coteau de Lac and the Isle Perrot. If wise, he will attempt to fight you before your junction with Hampton. Avoid this, and leave nothing to chance that you can settle on your own terms. A junction with Hampton enables you to give the law."

Extract of a letter from General Wilkinson to the Secretary of War, dated

GRENADIER ISLAND,  
Nov. 3, 1813, 7 o'clock A. M.

"The troops and squadron are at last in the river, excepting Macomb's regiment, with which I shall join them by 10 o'clock, as the weather is propitious. Extreme illness, and the arrival of Colonel Randolph with two hundred and thirty men, kept me here last evening. We shall be encamped at French creek to-night; will take to-morrow for final organization and arrangement, and the next day pass or prepare to take Prescott; by preference I shall not disturb the place, because I have not time to spare."

ALBANY, November 12, 1813.

DEAR GENERAL: My accounts from and of you are of the same date. Neither come down lower than the 3d instant. These left you with the reserve at Grenadier island.

General Hampton has made a movement towards the St. Lawrence. After feeling and skirmishing with the enemy, he retired again to the Four Corners, until he had notice of your approach. I hastened to inform him by express (who would reach him in forty-eight hours) that you were in motion; that on the 5th you would pass or take Prescott, and that on the 8th you would be at Hamilton, whence he might expect to hear from you; that he must put himself again in motion, and take a position which would enable him to join you, or which should detain the

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enemy on the south side of the river. If Prevost, on learning your approach, quits his present position, and re-occupies the north bank of the St. Lawrence, Hampton goes on and joins you. If he remains on the south bank, he abandons Montreal and even the road to his capital. In the fullness of my faith that you are in Montreal, and that you have both seen and seized on all the advantages that the errors of an enemy may have given you,

I am, dear General, cordially yours,  
J. ARMSTRONG.

Major General WILKINSON.

Extract of a letter from Major General Wilkinson to the Secretary of War, dated

FRENCH MILLS, November 15, 1813.

"It is a fact, for which I am authorized to pledge myself on the most confidential authority, that, on the fourth of the present month, the British garrison of Montreal consisted solely of four hundred marines and two hundred sailors, which had been sent up from Quebec. What a golden, glorious opportunity, has been lost by the caprice of Major General Hampton."

HEADQUARTERS, FRENCH MILLS,  
November 16, 1813.

SIR: I beg leave to refer you to the journal which accompanies this letter, for the particulars of the movement of the corps under my command down the St. Lawrence, and will endeavor to exert my enfeebled mind to detail to you the more striking and important incidents which have ensued my departure from Grenadier island, at the foot of Lake Ontario, on the 3d instant.

The corps of the enemy from Kingston, which followed me, hung on my rear; and, in concert with a heavy galley and a few gunboats, seemed determined to retard my progress. I was strongly tempted to halt, turn about, and put an end to his teasings; but alas! I was confined to my bed. Major General Lewis was too ill for any active exertion; and, above all, I did not dare suffer myself to be diverted a single day from the prosecution of the views of the Government. I had written Major General Hampton on the 6th instant, by his Adjutant General, Colonel King, and had ordered him to form a junction with me on the St. Lawrence, which I expected would take place on the 9th or 10th. It would have been unpardonable had I lost sight of this object a moment, as I deemed it of vital importance to the issue of the campaign.

The enemy deserve credit for their zeal and intelligence, which the active universal hostility of the male inhabitants of the country enable them to employ to the greatest advantage. Thus, while menaced by a respectable force in rear, the coast was lined by musketry in front at every critical pass of the river, which obliged me to march a detachment, and this impeded my progress.

On the evening of the 9th instant, the army halted a few miles from the head of the Longue

Saut. In the morning of the 10th, the enclosed order was issued. General Brown marched agreeably to order, and about noon we were apprized, by the report of his artillery, that he was engaged some distance below us. At the same time the enemy were observed in our rear, and their galley and gunboats approached our flotilla and opened a fire on us, which obliged me to order a battery of eighteen pounders to be planted, and a shot from it compelled the vessels of the enemy to retire, together with their troops, after some firing between the advanced parties. But, by this time, in consequence of disembarking and re-embarking the heavy guns, the day was so far spent, that our pilots did not enter the Saut, (eight miles a continued rapid,) and, therefore, we fell down about two miles, and came to for the night. Early the next morning everything was in readiness for motion; but having received no intelligence from General Brown, I was still delayed, as sound caution prescribed I should learn the result of his affair before I committed the flotilla to the Saut. At half past ten o'clock, A. M., an officer of dragoons arrived with a letter, in which the General informed me he had forced the enemy, and would reach the foot of the Saut early in the day. Orders were immediately given for the flotilla to sail, at which instant the enemy's gunboats appeared, and began to throw shot among us. Information was brought me at the same time, from Brigadier General Boyd, that the enemy's troops were advancing in column. I immediately sent orders to him to attack them. This report was soon contradicted. Their gunboats, however, continued to watch us, and a variety of reports of their movements and counter-movements were brought to me in succession, which convinced me of their determination to hazard an attack when it could be done to the greatest advantage, and, therefore, I determined to anticipate them. Directions were accordingly sent by that distinguished officer, Colonel Swift, of the Engineers, to Brigadier General Boyd, to throw the detachment of his command, assigned to him in the order of the preceding day, and composed of men from his own, Covington's and Swartwout's brigades, into three columns, to march upon the enemy, out flank them, if possible, and take their artillery. The action soon after commenced with the advanced body of the enemy, and became extremely sharp and galling; and, with occasional pauses, was sustained with great vivacity, in open space and fair combat, for upwards of two and a half hours, the adverse lines alternately yielding and advancing. It is impossible to say with accuracy what was our number on the field, because it consisted of indefinite detachments taken from the boats to render safer the passage of the Saut. Brigadier Generals Covington and Swartwout voluntarily took part in the action at the head of the detachments from their respective brigades, and exhibited the same courage that was displayed by Brigadier General Boyd, who happened to be the senior officer on the ground. Our force engaged might have reached sixteen or seventeen hun-

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ded men, but certainly did not exceed eighteen hundred. That of the enemy was estimated at from twelve hundred to two thousand, but probably did not amount to more than fifteen or sixteen hundred, consisting, as I am informed, of detachments from the 49th, 84th, and 104th regiments of the line, with three companies of the voltigeur and Glengary corps, and the militia of the country, who are not included in the estimate.

It would be presumptuous in me to attempt to give you a detailed account of this affair, which certainly reflects high honor on the American soldier, as no example can be produced of undisciplined men, with inexperienced officers, braving a fire of two hours and a half, without quitting the field, or yielding to their antagonists. But, sir, the information I now give you is derived from officers of my confidence, who took active parts in this conflict; for, though I was enabled to order the attack, it was my hard fortune not to be able to lead the troops I commanded; the disease with which I was assailed on the 2d of September, on my journey to Fort George, having, with a few short intervals of convalescence, preyed on me ever since; and, at the moment of this action, I was confined to my bed, and emaciated almost to a skeleton, unable to set my horse, or to move ten paces without assistance.

I must, however, be pardoned for trespassing on your time a few remarks in relation to the affair. The objects of the British and American commanders were precisely opposed; the last being bound by the instructions of his Government, and the most solemn obligations of duty, to precipitate his descent of the St. Lawrence by every practicable means; because, this being effected, one of the greatest difficulties opposed to the American Army would be surmounted: and the first, by duties equally imperious, to retard, and, if possible, prevent such descent—he is to be accounted victorious who effected his purpose. The British commander, having failed to gain either of his objects, can lay no claim to the honor of the day. The battle fluctuated, and triumph seemed, at different times, inclined to the contending corps. The front of the enemy was at first forced back more than a mile, and, though they never regained the ground thus lost, their stand was permanent, and their charges resolute. Amidst these charges, and near the close of the contest, we lost a field piece by the fall of the officer, who was serving it, with the same coolness as if he had been at a parade or review; this was Lieutenant Smith of the light artillery, who, in point of merit, stood at the head of his grade.

The enemy having halted, and our troops being again formed in battalia, front to front, and the firing ceased on both sides, we resumed our position on the bank of the river, and the infantry being much fatigued, the whole were re-embarked, and proceeded down the river, without further annoyance from the enemy or their gunboats, while the dragoons, with five pieces of light artillery, marched down the Canada shore without n.

It is due to his rank, to his worth, and to his services, that I should make particular mention of Brigadier General Covington, who received a mortal wound directly through the body, while animating his men, and leading them on to the charge. He fell where he fought, at the head of his men, and survived but two days.

The next morning the flotilla passed through the Saut, and joined that excellent officer, Brigadier General Brown, at Barnharts, near Cornwall, where he had been instructed to take post and wait my arrival; and where I confidently expected to hear of Major General Hampton's arrival on the opposite shore. But, immediately after I halted, Colonel Atkinson, the Inspector General of the division under Major General Hampton, waited on me with a letter from that officer, in which, to my unspeakable mortification and surprise, he declined the junction ordered, and informed me he was marching towards Lake Champlain, by way of co-operating in the proposed attack on Montreal.

This letter, together with a copy of that to which it is an answer, were immediately submitted to a council of war, composed of my general officers, and the Colonel commanding the elite, the Chief Engineer, and the Adjutant General, who unanimously gave it as their opinion, that "the attack on Montreal should be abandoned for the present season, and the army, then near Cornwall, should be immediately crossed to the American shore for taking up Winter quarters, and that this place afforded an eligible position for such quarters."

I acquiesced in these opinions, not from the shortness of the stock of provisions, (which had been reduced by the acts of God) because that of our meat had been increased five days, and our bread had been reduced only two days, and because we could, in case of extremity, have lived on the enemy; but because the loss of the division under Major General Hampton weakened my force too sensibly to justify the attempt. In all my measures and movements of moment, I have taken the opinions of my general officers, which have been in accord with my own.

I remained on the Canada shore until the next day, without seeing or hearing from the "powerful force" of the enemy in our neighborhood, and the same day reached this position with the artillery and infantry. The dragoons have been ordered to Utica, and its vicinity, and I expect are fifty or sixty miles on the march.

You have, under cover, a summary abstract of the killed and wounded in the affair of the 11th instant, which shall soon be followed by a particular return, in which a just regard will be paid to individual merits. The dead rest in honor, and the wounded bled for their country and deserve its gratitude.

With perfect respect, I have the honor to be, sir, your obedient servant,

JAMES WILKINSON.

The Hon. J. ARMSTRONG,  
*Secretary of War.*

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Return of the Killed and Wounded of a Detachment of the Army of the United States, descending the St. Lawrence, under the command of Major General James Wilkinson, in an action fought at Williamsburgh, in Upper Canada, on the 11th of November, 1813.

*Killed*.—Subalterns 3, sergeants 7, corporals 3, musician 1, privates 88.—Total 102.

*Wounded*.—Brigadier general 1, assistant adjutant general 1, aid-de-camp 1, colonel 1, major 1, captains 5, subalterns 6, sergeants 9, corporals 13, musician 1, privates 108.—Total 237.

Names of the Commissioned Officers killed and wounded.

*Killed*.—Lieutenant William W. Smith, of the light artillery; Lieutenant David Hunter, of the 12th regiment infantry; Lieutenant Edward Olmstead, of the 16th regiment infantry.

*Wounded*.—Brigadier General Leonard Covington, mortally, (since dead;) Major Talbot Chambers, Assistant Adjutant General, slightly; Major Darby Noon, Aid-de-camp to Brigadier General Swartwout, slightly; Colonel James P. Preston, of the 23d regiment infantry, severely, his right thigh fractured; Major William Cummings, of the 8th regiment infantry, severely; Captain Edmund Foster, of the 9th regiment infantry, slightly; Captain David S. Townsend, of the 9th regiment infantry, severely—taken prisoner; Captain Mordecai Myers, of the 13th regiment infantry, severely; Captain John Campbell, of the 13th regiment infantry, slightly; Captain John B. Murdoch, of the 25th regiment infantry; Lieutenant William S. Heaton, of the 11th regiment infantry, severely; Lieutenant John Williams, of the 13th regiment infantry, slightly; Lieutenant John Lynch, of the 14th regiment infantry, severely—taken prisoner; Lieutenant Peter Pelham, of the 21st regiment infantry, severely—taken prisoner; Lieutenant James D. Brown, of the 25th regiment infantry, slightly; Lieutenant Archibald C. Cray, of the 25th regiment infantry, severely, in the skirmish the day before the action.

ADJUTANT GENERAL'S OFFICE,

FRENCH MILLS, November, 1813.

J. B. WALBACH,  
Adjutant General.

N. B.—Colonel Preston commanded the 13th regiment of infantry during the action; and Major Cummings did duty with the 16th regiment of infantry in the action.

*Journal referred to in the foregoing letter of Major General Wilkinson.*

October 21st. Boisterous weather; left Sackett's Harbor; at night arrived off Grenadier island.

October 22d. Called for a return of the troops on the island; found a large body to be still in the rear, wrecked or stranded; returned in quest of them, and to order from the harbor a supply of Winter clothing and shoes for the troops on

the island, who were nearly destitute; observed at night, on our way up, many fires on different points of the coast; wind so high could not call at them; reached the harbor at midnight.

October 23d. Orders given for the shipment of the clothing; many stragglers picked up and embarked for Grenadier island; Colonel Coles arrived with two hundred men of the 12th regiment, and sailed for the same place; the Growler equipped, manned, furnished with a skipper, and sent to Oswego for Colonels Randolph and Scott (who were expected at that place) and as many men as she could carry. We sailed for Grenadier island; arrived about eight o'clock at night on the island; weather blustering, with frequent rain. All this time the General's illness continued without abatement.

October 24th. Hard rains with heavy gales. Still at anchor off the island.

October 25th. The General landed, and measures were immediately taken to seize every pause of the prevailing storms to slip the flotilla into the St. Lawrence by small detachments. In these deceitful momentary calms we found it impossible to traverse in safety the arm of the lake to Gravelly point, though distant only nine miles. In the several attempts made, many boats were driven ashore, and much provision and clothing lost. French creek, nearly opposite the point where the enemy expected we should land to attack Kingston, was made the general rendezvous of the troops, and Brigadier General Brown ordered on to take the chief command. The expedition of the Growler was so far successful, that, on the 31st. Colonel Randolph, after a perilous voyage, reached Grenadier island with two hundred and thirty men of the 20th regiment. On the 2d November, Commodore Chauncey, by concert, entered the St. Lawrence, fell down nearly to French creek, and took a position to command the north and south channels. In the evening of the 1st November our vigilant enemy having observed, even amid the storms, our movement and position at French creek, attacked the detachment at that place, under General Brown, about sunset, with a squadron of two brigs and two schooners, with many boats loaded with infantry for landing, should their cannonade make a sufficient impression. Very soon Captain McPherson, of the light artillery, erected a battery of three eighteen pounders, and returned their fire with such spirit and effect that they fell down to a harbor below, beyond its range. Next morning the attack was renewed and repelled, and one of the brigs was, with great difficulty, towed off by the squadron, which put into Kingston channel, behind Grand island. We lost two killed and four wounded. The enemy were supposed to have suffered severely from the evident disabled state of their brig, and the deliberate and well directed fire of the gallant Captain McPherson.

November 3d. The rear of the army, with the General more and more sick, sailed for the general rendezvous, where the chief part arrived in the evening. The General was carried on shore,

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and lodged in a tent, his malady increasing in violence.

*November 4th.* This day was devoted to final arrangements for the sailing of the flotilla. Weather moderating.

*November 5th.* Charming day. The flotilla got under way, and, without accident, fell down and landed early in the night below Morrisville. The General, suspecting he would be followed by the enemy, as in the morning his course had been discovered by three of their look-out gun-boats and a gig, and knowing that two of their armed schooners could jeopard his movement, gave orders for the flotilla to pass Prescott, then seven miles below him, in the course of the night. But some confusion occurred, arising from the novelty of the movement, and the order was countermanded.

*November 6th.* This morning the health of the General appeared better; he ordered the flotilla to descend to a point within three miles of Prescott; and the day being fine, got into his gig, and proceeded to reconnoitre the place. In the mean time, the powder and fixed ammunition were debarked and placed in carts, to be transported by land, under cover of the night, beyond the enemy's batteries. As soon as the General returned, orders were issued for the debarkation of every man (except so many as were necessary to navigate the boats) who were directed to march, under cover of the night, to save useless exposure to the enemy's cannon, to a bay two miles below Prescott; and arrangements were made, at the same time, for the passage of the flotilla by that place, the superintendency of which devolved on Brigadier General Brown, the general officer of the day. About eight o'clock, P. M., we had so heavy a fog, that it was believed we could pass the British fortress unobserved, and orders were accordingly given for the army to march and the flotilla to get under way. The General, in his gig, proceeded ahead, followed by his passage-boat and family; but a sudden change of the atmosphere exposed his passage-boat to the garrison of the enemy, and near fifty twenty-four pound shot were fired at her without effect, while the column on land, discovered by the gleam of their arms, were assailed with shot and shells, without injury. General Brown, on hearing the firing, judiciously halted the flotilla until the moon had set, when it got in motion, but was perceived by the enemy, who opened upon it, and continued their fire, from front to rear, for the space of three hours; and yet, out of more than three hundred boats, not one was touched, and only one man was killed, and two were wounded; and before ten next morning the whole of the flotilla (except two vessels) reached the place of rendezvous. About noon, this day, Colonel King, Adjutant General of the army of General Hampton, arrived, and waited on the Commander-in-Chief, whom he informed that he had been to Sackett's Harbor with a despatch from General Hampton to the Secretary of War; that he had no communication, written or verbal, from Major General Hampton to him (the Commander-in-Chief)

but that, not finding the Secretary of War at Sackett's Harbor, he had thought proper, on his return, to call for any communication he (General Wilkinson) might have to make to General Hampton. The General had intended, in the course of this day, to send an express to General Hampton, with an order to him to form a junction of his division with the corps descending the St. Lawrence, and availed himself of the opportunity presented by Colonel King, to send the order.

*November 7th.* The General having been exposed to the open air all last night, in consequence found himself ill. In passing Prescott, two of our largest vessels, loaded with provisions, artillery, and ordnance stores, either through cowardice or treachery, had been run into the river near Ogdensburg, and opposite Prescott. The enemy kept up so constant a cannonade on them, that we found it difficult, and lost half a day, to get them out. We perceived the militia in arms at Johnson, directly opposite us, and several pieces of field artillery in motion. Understanding that the coast below was lined with posts of musketry and artillery at every narrow pass of the river, Colonel Macomb was detached, about one o'clock, with the elite corps, of about one thousand two hundred men, to remove these obstructions, and the General got under way about half-past three o'clock. Four or five miles below we entered the first rapids of the river, and, soon after passing them, two pieces of light artillery, which had not been observed by Col. Macomb, opened a sharp fire upon the General's passage-boat, but without any further effect than cutting away some of the rigging. Lieut. Col. Eustis, with a part of our light gun barges, came within shot of the pieces of the enemy, and a cannonade ensued, without injury on either side. In the mean time Major Forsyth, who was in the rear of the elite of Colonel Macomb, landed his riflemen, advanced upon the enemy's guns, and had his fire drawn by a couple of videttes, posted in his route, on which their pieces were precipitately carried off. The General came to at dusk, about six miles below the town of Hamilton, where he received a report from Colonel Macomb, who had routed a party at a block-house, about two miles below, and captured an officer.

*November 8th.* This morning the flotilla fell down to a contraction of the river, at a point called the "White House," where the dragoons were assembled to be crossed. Brigadier General Brown was ordered this morning to reinforce Colonel Macomb with his brigade, and to take the command; and the whole day and following night were devoted to transporting the dragoons. About noon this day we received advice that two armed schooners, and a body of the enemy in batteaux, estimated at one thousand or fifteen hundred men, had descended the river from Kingston, and landed at Prescott; that they had immediately sent a flag across the river to Ogdensburg, and demanded the delivery of all public property there, under penalty of burning the town. Not long after, information was received

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that the enemy had re-embarked at Prescott in their matiaux, and were following us with seven gunboats.

*November 9th.* This morning, very early, the enemy menaced our rear, and a slight skirmish took place between our riflemen and a party of their militia and Indians, in which we had one man killed, and the enemy were driven back. The cavalry, with four pieces of light artillery, under the command of Captain McPherson, were attached to the command of Brigadier General Brown, and he was ordered to march to clear the coast below us as far as a point near the head of the Longue Saut. The rapidity of the current obliged us to halt the flotilla several hours, to enable General Brown to make good his march in time to cover our movement. During this period the enemy frequently threatened our rear, but never indicated an intention to make a serious attack. About three o'clock, P. M., the flotilla got under way, and came to, about five o'clock, at the Yellow House, having floated nearly eleven miles in two hours, where we encamped for the night.

*November 10th.* This morning the following order was issued :

*"Morning General Orders.*

"HEADQUARTERS, TUTTLE'S BAY,  
*November 10, 1813.*

"General Brown will prosecute his march with the troops yesterday under his command, excepting two pieces of artillery and the second dragoons, who, with all the well men of the other brigades, except a sufficient number to navigate the boats, are to march under the orders of Brigadier General Boyd. This precaution is enjoined by regard to the safety of the men in passing the Longue Saut; and as this rapid is long and dangerous, the General earnestly requests the commanding officers of regiments and corps to examine the boats, and see them properly fitted, in order to avoid accidents as much as possible. Brigadier General Boyd will take the necessary precaution to prevent the enemy, who hangs on our rear, from making an advantageous attack, and, if attacked, is to turn about and beat them. The boats are to resume the station assigned them in the original order respecting the flotilla, and for this the commanding officers of regiments and brigades will be held responsible. The movement of yesterday was a reproach to the service. The flotilla will come to to-day at Barnhart's, near Crab Island, and two guns from the front will be the signal for landing. In case of an attack in force beyond all expectation, the corps under Brigadier Generals Boyd and Brown are to co-operate with each other, promptly and with decision. The General officer of the day will strictly attend and see that the flotilla puts off and moves in the prescribed order, and will arrest any officer who presumes to deviate therefrom."

Brigadier General Brown marched, and about noon was engaged by a party of the enemy near a block-house on the Saut, erected to harass our flotilla in its descent. About the same time the

enemy were observed to be advancing on our rear, and their galley and gunboats hove in sight, approached our flotilla, then at shore, and began to cannonade it. The slender structure of our gun barges made it impossible for them to resist the long twenty-four pounder of the enemy's galley; this obliged the General to order two eighteen pounders to be run on shore and formed in battery, a single shot from which gave such an alarm to the enemy's vessels, that they retired up the river, accompanied by their troops. But these slight operations so far wasted the day, that our pilots were afraid to enter the Saut (a continued rapid of eight miles) with the flotilla; we, therefore, fell down within two or three miles of the head of it, and came to for the night. By this time the General had become so extremely ill as to be unable to sit up, and was confined to his bed in a small berth under the quarter deck of his passage boat.

*November 11th.* Having heard the firing of the cannon yesterday between General Brown and the enemy, being still unapprized of the result, it became necessary that we should hear from him before we committed ourselves to the Saut, which allows no retreat, no turning to the right or left, but where the impetuosity of the current impels. About ten or eleven o'clock, A. M., the Commander-in-Chief received advice from General Brown that he had forced the enemy to retire before him, and had arrived near the foot of the Saut. Orders were immediately given for the flotilla to prepare to sail, and for General Boyd and his command to commence their march, when some firing took place from the gunboats, and a report was brought to the Commander-in-Chief that the enemy was advancing in column; on this he ordered General Boyd to attack them, and the flotilla was directed not to leave the shore. But the report was soon after contradicted. A variety of reports respecting their movements and counter movements were, after this, successively brought to the General, which impressed him with the conviction that the enemy had determined to attack his rear, as soon as the flotilla should put off and the troops commence their march. He resolved to anticipate them; he, therefore, sent Colonel Swift, of the engineers, with instructions to Brigadier General Boyd, who had been directed by the order of the preceding day to take command of the detachment on shore, to form that detachment into three columns, to advance upon the enemy, to endeavor to outflank them, and to take their artillery. Soon after this the action commenced, and for the numbers engaged was extremely warm and bloody for upwards of two hours, during which time, in open space and fair combat, the raw undisciplined troops of the United States braved, and frequently drove, the best troops of the British army. Descriptions of battles have become too subservient to the gratification of personal vanity, and the acquisition of popular applause; yet every man who has taken part in a great action must know that there is nothing more difficult than to do justice to the merits of a battle in all



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its parts, where it is hard to find two officers, unless fighting side by side, who agree in opinion as to the propriety of measures and the conduct of men. The fortunes of this day were various; sometimes one line, sometimes the other, giving way. Unfortunately, during the shiftings of the action, by the death of Lieut. Smith, a young officer of the highest promise, the enemy got possession of a field-piece, the only trophy they obtained. It is difficult to speak of the precise numbers engaged on either side, because the detachment under General Boyd consisted of an indefinite number of his own, Covington's, and Swartwout's brigades, ordered from on board the boats to lighten them, and save the hazard of the men's lives in descending the Saut. Neither Covington nor Swartwout were obliged to take part in the action with this detachment; yet they both entered the field, taking command of that part of it which belonged to their respective brigades, where they exhibited the same courageous conduct which distinguished General Boyd on the field; and, to the great loss of the service, Brigadier General Covington received a mortal wound when encouraging and leading on his detachment. The numbers engaged on our side could not have exceeded sixteen or seventeen hundred men, while those of the enemy are reckoned, by spectators, at from one to two thousand; but it is probable did not exceed fifteen hundred, consisting, as we are informed, of detachments of the 49th, 84th, and 104th, the voltiguers, and Glen-garian regiment.

With respect to the courage displayed by our officers, it would be useless to enter into details, since they all manifested in their respective stations equal intrepidity. The names of the meritorious dead and wounded will be recorded in another place. The firing ceased, by common consent, about four o'clock, P. M.; our troops were formed in battalia in front of the enemy, who were also in line, and they separated, the enemy to their camp, and we to our boats. The troops being much exhausted, it was considered most convenient that they should embark; and that the dragoons, with the artillery, should proceed by land. The embarkation took place without the smallest molestation from the enemy, and the flotilla made a harbor near the head of the Saut, on the opposite shore. The views of the American and British commanders were, on this occasion, precisely opposed. The first being bound by the instructions of his Government, and the most solemn obligations of duty, to precipitate his descent of the St. Lawrence by every practicable means, and the last by duties equally imperative to retard, and, if possible, to prevent such descent. If, then, he found himself victorious on this day, it was certainly in his power to have effected the one or the other object; and as he made no attempt to effect either, it follows, incontestably, that he had no fair ground on which to claim a victory.

*November 12th.* The flotilla sailed early this morning, and passed down the Saut without discovering either the boats or troops of the en-

emy, and arrived, in the course of the forenoon, at Barnhart's, where the commanding General received a letter from Major General Hampton, by the hands of Colonel Atkinson, his Inspector General, which blasted all his hopes, and destroyed every prospect of the campaign. A council of war was called upon the receipt of this communication, which was submitted to their consideration, whereupon the council determined that the conduct of Major General Hampton, in refusing to join his division to the troops descending the St. Lawrence to carry an attack against Montreal, rendered it expedient to leave the left bank of the St. Lawrence, and to remove the troops to French Mills, on Salmon river; and the thirteenth of November this recommendation was accordingly carried into effect, ample time having been given to the enemy to have tried a second action, if they had dared to run the hazard.

Extract of a letter from Major General Wilkinson to the Secretary of War, dated

FRENCH MILLS, Nov. 17, 1812.

"After what has passed between us, you can perhaps conceive my amazement and chagrin at the conduct of Major General Hampton. The game was in view, and, had he performed the junction directed, would have been ours in eight or ten days. But he chose to recede, in order to co-operate, and my dawning hopes, and the hopes and honor of the army, were blasted."

Extract from the General Order of General Wilkinson, of November 13.

"The troops are to embark without loss of time, yet are not to be hurried in leaving the Canadian shore, from whence the Commander-in-Chief is compelled to retire by the extraordinary, unexampled, and, it appears, unwarrantable conduct of Major General Hampton, in refusing to join this army with a division of four thousand men, under his command, agreeably to positive orders from the Commander-in-Chief, and, as he has been assured by the Secretary of War, of explicit instructions from the War Department.

"Thus deprived of a large portion of his promised force, the Commander-in-Chief feels himself bound, by a sense of regard to this meritorious corps, and of sacred duty to the United States, to spare the lives of brave men, and not to hazard the character or interest of the nation by an unequal conflict. He, with lively regret, and the deepest mortification, suspends the attack on Montreal; but he assures the army that it is not abandoned."

Colonel Purdy's report to Major General Wilkinson, of the action at Chateaugay, &c., transmitted by the General to the Secretary of War.

I arrived at Cumberland Head September 16th, 1813, and on the 18th took command of the 4th regiment of infantry, stationed at that place. The army, consisting of about four thousand men, was composed principally of recruits who

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had been but a short time in service, and had not been exercised with that rigid discipline so essentially necessary to constitute the soldier. They had, indeed, been taught various evolutions, but a spirit of subordination was foreign to their views. On the 19th, orders were issued for the whole army, except a squadron of horse and the artillery, to embark in batteaux. The army got under way, preceded by the light corps, and flanked on the right by the navy, and arrived at Chazy at 12 o'clock at night, lay on their arms, embarked again soon after sunrise the next morning, proceeded down the lake as far as Champlain, and up Champlain river the distance of four miles, where we landed, and immediately marched to Odletown. The light corps, which preceded the other troops some hours, surprised and defeated a guard of the enemy at that place. We remained at Odletown until the middle of the next day, during which time a want of system in the management of the army was readily discovered by every military man, that led to apprehensions for the safety of the troops, should the enemy oppose with any considerable force. The army returned to Champlain the 21st, to Chazy the 22d, and the day following commenced the route to Chateaugay. The whole of this march, a distance of more than seventy miles, was very disagreeable; the officers were not permitted to take with them the necessaries, much less the conveniences of life, and were compelled to abandon clothing and other things essentially necessary to preserve the body in health. We forebore complaint, endured every privation, presuming the commanding officer had sufficient reasons for his conduct, and concluding it was *pro bono publico*. The scene has passed, and time sufficient has elapsed to have discovered those reasons, had they existed; none have been found; on the contrary, circumstances have demonstrated that it was a useless and unnecessary sacrifice of both public and private property. The army remained at Chateaugay twenty-six days, and on the 21st October commenced an excursion into the enemy's country. The first brigade followed the course of the Chateaugay river to Spear's, the distance of eighteen miles and upward, and there met the second brigade, which had taken a nearer and more convenient route. The march was very fatiguing, equalled only by another that soon followed. Credit is due to both the officers and soldiers for their orderly conduct, patience, and perseverance, in surmounting the incredible obstacles the enemy threw in their way. On the 25th, a difficult and very fatiguing expedition was planned, and the execution of it assigned to the first brigade, which had been for some time previous, and still remained, under my command. The design was to cut off the retreat of a body of the enemy, supposed to be encamped on the banks of the Chateaugay, six miles distant. With this intention the first brigade was ordered to cross the river at night, march silently down, and recross at a ford two miles below the enemy, and attack them in rear, giving a preconcerted signal, while the second brigade

moved down the road in front. We commenced the march at sundown, and by sunrise the next morning had gained only six miles. Here we were discovered by the enemy, and fired on from the opposite side of the river. During that night we were repeatedly misled by the guides, who knew nothing of the country, having never been that way, and at the time we were attacked, they had led us into a thick cedar growth or swamp on the banks of the river, and immediately opposite the enemy's position, and knew not how to extricate us. Incredible as it may appear, General Hampton intrusted nearly one-half of his army, and those his best troops, to the guidance of men, each of whom repeatedly assured him that they were not acquainted with the country, and were not competent to direct such an expedition. At the same time General Hampton told me he had a man by the name of Smith, who had a perfect knowledge of the country, and whom he promised to send me, but which he neglected to do. The defeat of the expedition was the consequence of this neglect of the Major General. About two o'clock, while receiving an order from Colonel King, Adjutant General, upon the opposite side of the river, to march back four miles, and then ford the river and join the 2d brigade, the enemy made a furious attack on the column by a great discharge of musketry, accompanied by the yells of the savages. Unfortunately the word "retreat" was heard, which, for a short time, spread confusion among the several corps. A sufficient number, however, remained firm, and the enemy was soon compelled to retire. Towards sundown I sent General Hampton a request that a regiment might be ordered down to cover my landing on the opposite side of the river; but judge my surprise, on receiving intelligence that he had retreated with the second brigade nearly three miles. Thus was I deserted, without the smallest guard to cover my landing. To what cause shall it be attributed, that the General ordered a retreat, and that, too, at the moment when the presence of the second brigade was required, or could be useful, as soon afterwards he declared "he should be willing to compound with the first brigade for five hundred men." The wounded had previously been conveyed across on rafts, which made a removal of my brigade absolutely necessary for their protection. An attempt was accordingly made, and a floating bridge soon constructed of old logs, found on the margin of the river. The enemy discovering our disposition, commenced a firing from the opposite side, and killed several while crossing. Major Snelling, with about one hundred men, effected a landing, and joined the main body. The remainder of my force, exhausted by the excessive exertions of the preceding night, and weary with the fatigues of the day, not having had a moment either for rest or refreshment, were compelled to endure the privation of sleep another night. We retired two or three miles and took a position. At about 12 o'clock the enemy came up and made an attack upon us, but were soon routed. The men at this

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time were formed, and lying on the ground they were to occupy in case of an attack, and were ordered to, and did immediately rise, seize their arms, and remain under them the residue of the night. An excessively heavy rain prevented the firing both of the enemy and ourselves, except occasionally a single gun from the former. Our troops were ordered not to fire, but, in case of a repetition of attack, to charge bayonets; this was accordingly done. The enemy charged several times, and as often were put to flight. It is observable in this place, that, so greatly were the men overpowered by fatigue, though in a situation every way dangerous, and in which they had every reason to believe they should be sallied upon by the enemy every moment, many were unable to conquer their disposition to sleep, and it was not in the power of the officers to keep them awake. It was on the morning of this last attack that the General expressed his apprehensions for the first brigade, and made the declaration above quoted. The next morning we crossed the river, and joined General Hampton; on the 28th the army retreated four miles, and on the 30th and 31st marched back to Chateaugay. The troops, at the time of the attack, were not in a situation to endure further fatigue; and it is an indubitable fact, that many of them were so debilitated they were unable to proceed with the brigade on its march from the place of its last attack, and actually did not reach the main body until the day after the brigade had joined it, and some not even until the army had reached the Four Corners of Chateaugay.

Never, to my knowledge, during our march into Canada, and while we remained at the Four Corners, a term of twenty-six days, did General Hampton ever send off a scouting or reconnoitring party, (except in one or two cases at Spear's, in Canada, when he detached a few dragoons for this duty,) nor did he, from the time we commenced our march from Cumberland Head, to our arrival at Plattsburg, ever order a front, flank, or rear guard to be kept up, though a great part of the time we were in situations which evidently required it. True it is, these guards were occasionally sent out, not however by his order, but by the orders of the officers commanding brigades.

By a general order, dated Chateaugay, November 5, the General says he has paid the first attention to the sick, and has granted them indulgences, which created murmurings on the part of some officers at their posts. It is only necessary here to observe, that every officer of the army can testify that the sick were very much neglected as far as regards comfortable quarters and transportation, and that they were strewed along the roads through which we marched without care or attendance; and it is presumable that many have died in consequence of this who might have been saved to themselves if not to the service. The General, indeed, at the time this order was issued, which was after our return to the Four Corners, did order transportation for the sick to Burlington, but this is the only instance to my knowledge.

The Commissary's Department is worthy of notice. My order for provision was not sufficient; nor could I obtain any but by special license of General Hampton. The Commissary of Issues has been constantly in the habit of selling the livers, &c., of the beeves to officers; and though I represented this to General Hampton as unusual and improper, he refused to take any other notice of it than saying, "the Commissary is accountable for all parts of the beef, even to a pound or ounce of tallow;" nor did he take any notice of another piece of misconduct of the Commissary, that of acting in the capacity of sutler, but sanctioned it by purchasing of him.

The common practices with General Hampton of arresting officers and releasing them without their consent; of releasing arrested officers without the knowledge or consent of the officers by whom they were arrested (the case of Lieutenant Morris of the 33d regiment, who was arrested by me on the charge of cowardice and misconduct before the enemy on the 26th October, 1813, the time of the skirmish with the enemy at Ormstown, or Chateaugay river, being an instance;) of refusing to arrest officers whom I reported to him as having deserted their posts in time of action; of daily issuing orders and countermanding them, and of interfering in an improper manner with the subordinate commands of the army, as a reference to the orders issued by him will show, mark very strongly the capriciousness of his conduct and the total want of steadiness in his intentions.

Such has been the General's conduct on some occasions, that I have, in common with other officers, been induced to believe that he was under the influence of a too free use of spirituous liquors.

I must, in justice to General Hampton, say, that the expedition he planned, and which I have called "difficult and fatiguing," did, at the time it was suggested to me by him, meet my full approbation, and that I have since seen no reason for changing my opinion of its practicability or usefulness; but I must also say that it required competent guides; and these (as I said before) he promised to furnish me, but did not.

ROBERT PURDY,

*Colonel 4th Infantry.*

A true copy. R. H. McPHERSON,  
*Captain and Secretary.*

Extract of a letter from the Secretary of War to Major General Wilkinson.

ALBANY, November 18, 1813.

"My last advices from you are of the 3d inst. Report says that the garrisons of Kingston and Prescott have found means to overtake your rear, to bring it to action, to handle it roughly, and to compel it to retreat to the main body. To this I give no credit:

"1st. Because, moving with the celerity necessary to your objects, it is highly improbable that they could by any exertion have been able to overtake you; and

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"2d. Because it is quite incredible that, finding in your rear a heavy corps capable of disturbing the main action of the campaign, you should not have taken effectual measures to beat and destroy it. If 1,600 men were not sufficient for this purpose, 6,000 were so; and the garrisons of Kingston and Prescott destroyed (though we failed of getting to Montreal) the upper province was won."

Extract of a letter from Major General Wilkinson to the Secretary of War, dated

FRENCH MILLS, Nov. 24, 1813.

"I have had the honor to receive your letter of the 15th instant from Albany, and hope my despatches have reached you which left this on the 17th.

"With respect to the unfortunate issue of the campaign, I disclaim the shadow of blame, because I know I have done my duty, and more than my duty, and so do those with whom I have acted. *To General Hampton's outrage of every principle of subordination and discipline may be ascribed the failure of the expedition*; and that I have not yet arrested him must be attributed to my respect for you, and my desire that the arrest should proceed from the highest authority; for if this act be suffered to pass unnoticed and unpunished, it will establish a precedent to justify disobedience and subvert those obligations of blind obedience on which the efficiency of military institutions exclusively depend.

"After our losses by deaths, desertions, and discharges, since we left Sackett's Harbor, I think we shall not be able to show you more than six thousand men at this point, exclusive of the dragoons, who have been ordered to Greenbush and Pittsfield, for convenience and economy."

WAR DEPARTMENT, Nov. 25, 1813.

SIR: It is recommended to you to consolidate your infantry and artillery into complete regiments, or as nearly so as possible, for the Winter, retaining a full complement of your most efficient officers to command them, and detaching all surplus officers immediately on the recruiting service, and to the several districts indicated by the rules and regulations. This regulation should extend to General Hampton's division.

An immediate inquiry into the terms of enlistment of the men composing your army should be instituted, and endeavors should be made to re-enlist all those whose terms of service are about expiring.

The most severe attention to discipline must be begun, and the slightest departures from it, whether in officer or soldier, noticed and punished. Clerks to the several companies must be appointed, and company books kept, showing everything received by the soldier, and charging him therewith. If, on the next, or any future inspection, it be found that any article of his clothing, or of his arms, has been lost or sold, the article is to be supplied, and the price deducted

from his wages. With regard to clothing and arms, there have been the most shocking abuses.

Confidential reports are provided by the rules, and must be made agreeably thereto. The inspector who neglects or refuses to perform this duty shall be dismissed the service.

I am, sir, very respectfully, your most obedient servant,

JOHN ARMSTRONG.

Major General WILKINSON.

Extract of a letter from Major General Wilkinson to the Secretary of War, dated

HEADQUARTERS, MALONE,

Military District No. 9, Dec. 6, 1813.

"Your three letters of the 25th ultimo came to hand on the 30th; and I am happy to find that I had anticipated the views communicated in those letters, as far as respects the security of our flanks and centre. When I ordered Major Gen. Hampton to reinforce the post of the Four Corners, it was under the impression that Cumberland Head was guarded; but the moment I was undeceived, and apprized of the exposed situation of our depot at Plattsburg, the order was countermanded, as you have seen from the documents which I have transmitted you. You must also have perceived, from those documents, that I was not insensible of the importance of condensing our force, and that I had made a proposition respecting quarters preparatory to such event."

JAMES WILKINSON.

HON. J. ARMSTRONG.

Abstract from the report of the Adjutant General of General Wilkinson's army, showing the whole number of non-commissioned officers, musicians, and artificers, of the several regiments and corps, on December 1, 1813.

Light artillery	-	-	-	-	-	472
2d regiment artillery	-	-	-	-	-	117
3d do. do.	-	-	-	-	-	675
5th regiment infantry	-	-	-	-	-	495
6th do. do.	-	-	-	-	-	549
11th do. do.	-	-	-	-	-	454
12th do. do.	-	-	-	-	-	500
13th do. do.	-	-	-	-	-	591
14th do. do.	-	-	-	-	-	295
15th do. do.	-	-	-	-	-	648
20th do. do.	-	-	-	-	-	336
21st do. do.	-	-	-	-	-	841
22d do. do.	-	-	-	-	-	455
25th do. do.	-	-	-	-	-	578
Riflemen	-	-	-	-	-	263
Total	-	-	-	-	-	8,143

ADJ. AND INSP. GEN'S OFFICE,

January 27, 1814.

A. Y. NICOLL, Insp. Gen.

NOTE.—The two regiments of light dragoons, which had made part of Gen. Wilkinson's force in descending the St. Lawrence, are not included in this return; these corps having been detached to Utica.

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Extract of a letter from Major General Wilkinson to the Secretary of War, dated

MALONE, December 8, 1813.

The unavoidable delay of the express (as no reliance can be placed in the mail from this place) enables me to send you the copy of a letter from General Izard, dated the 6th instant, which exhibits additional expositions of the pernicious and unwarrantable conduct of Major General Hampton. I will not charge this man with traitorous designs, but I apprehend, in any other Government, a military officer who first defeated the object of a campaign by disobedience of orders, and then, without authority, furloughed all the efficient officers of the division he commanded on a national frontier, in the vicinity of an enemy, would incur heavy penalties.

Extract of a letter from Brigadier General Izard to Major General Wilkinson, dated

PLATTSBURG, Dec. 6, 1813.

There is an unavoidable delay in the returns of the regiments of this division, proceeding from the extreme inexperience of the officers of all grades, now with them. Almost every efficient officer is either sick or was furloughed by Major General Hampton, at the moment of his own departure. Those that remain, are barely enough to perform the routine of duty in this cantonment.

Extract of a letter from Major General Wilkinson to the Secretary of War, dated

MALONE, December 24, 1813.

I believe I have not hitherto transmitted to you a copy of a communication which took place between Commodore Chauncey and myself, the day before I sailed from French Creek; and I do it now to show you what were my anticipations of the movements of the enemy left behind me, and how delusive were all the promises made to me that my rear should be protected.

FRENCH CREEK, Nov. 4, 1813.

DEAR SIR: I was so ill yesterday I could not call to see you, and I now send up to say that I shall sail this evening; and if I am not obstructed by the enemy's armed vessels, which may have slipped down the other channel, I shall pass Prescott to-morrow night, or land the next morning to take the place, if I cannot pass it without too great hazard. As this operation may require three or four days, it is not improbable the enemy's squadron may make some attempts to destroy my boats; and therefore I must entreat you to watch his every motion, and to give my flotilla every protection in your power.

We are a match for the gunboats of the enemy, but inferior to armed schooners; and, therefore, could you consistently spare us the *Pert*, or some armed vessel, to run down to the vicinity of Ogdensburg, and immediately return, it would add security to our movements.

Major Johnson will have the honor to deliver

you this; and I will thank you for any information you can give me respecting the movements of the enemy.

I wish very much to say farewell to you, but I am sensible of the delicacy of your situation; and my disease having changed into a violent inflammation of the breast, I dare not get wet. If, then, it is destined that we are not to meet again, I will leave with you my prayers for long life and laurels in this world, and everlasting happiness in that which is to come.

Farewell, my friend, and may your country understand your skill and valor as well as does

JAMES WILKINSON.

Commodore CHAUNCEY.

U. S. SHIP GENERAL PIKE,  
At anchor off East end of Long Island,  
River St. Lawrence, Nov. 4, 1813.

DEAR SIR: Your favor of this day's date has this moment been handed to me by Major Johnson.

From the best information that I can get, the enemy's fleet is at or in the vicinity of Kingston; and I think that you have nothing to apprehend from them, as I am in a situation to watch both channels.

I should deem it unsafe to separate any part of my squadron as long as the enemy remains above me. In fact, I am in hourly expectation of being attacked by Sir James, down the south channel. In that case, I shall require all my force, as he has added a number of gunboats to his fleet. If, however, Sir James should detach any part of his fleet down the north channel, I will send a sufficient force down to oppose him.

I will remain in my present situation until you pass Prescott, but am anxious for that event to take place at as early a day as possible, as the fleet cannot move out of this river except with a fair wind. It is to be apprehended, that, after a few days, a spell of westwardly winds will set in, which will detain us until the ice makes, which would endanger the safety of the fleet, and probably lead to its final destruction. If it is possible for you to communicate to me, in any way, when you pass Prescott, I would esteem it as a particular favor.

May your present enterprise be crowned with all the success that you yourself can wish; and that your eminent services may be duly appreciated by your country is the prayer of, dear sir, your friend and humble servant,

ISAAC CHAUNCEY.

Maj. Gen. J. WILKINSON,  
Commander in-Chief, &c.

*Correspondence between the Secretary of War and Colonel Porter and General McClure, &c.*

WAR DEPARTMENT, Feb. 23, 1813.

SIR: As the enemy's force and defences on the Canada side of the Niagara river are understood to be weak; as your force is respectable, and supposed to be competent to a successful attack of

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these; and the season has now furnished you with a bridge, as well for retreat as for advance; it is thought advisable that you do not permit circumstances so favorable to escape, without making a stroke on such points of the enemy's line as may be most within your reach. If, after feeling the enemy at Fort Erie, you should find yourself able to extend your attack to Fort George, it will be desirable; but of this you can judge best after your first experiment. To an old soldier, like yourself, it is unnecessary to go more into detail. You know what you ought to do, and you will do it. Communicate this letter to Lieutenant Colonel Boerstler, and accept the assurances of my respect and good wishes.

JOHN ARMSTRONG.

Col. PORTER, *Light Artillery,*  
*Commanding on Niagara River.*

Extract of a letter from Major General Dearborn to the Secretary of War, dated

ALBANY, March 25, 1813.

Colonel Porter informs me that he had commenced the necessary preparations for an attack on Fort Erie, but the desertion of a sergeant prevented his carrying his intended attack into operation. Two officers, with six men, pursued the sergeant so far as to be surrounded on the ice, and were made prisoners. Fort Erie was immediately reinforced, and he had given over any immediate movement.

Letter from Colonel Scott (third Artillery Regiment) to Major General Wilkinson.

FORT GEORGE, Monday, 7 P. M.,  
October 11, 1813.

SIR: Within the last five minutes I have had the honor to receive your despatch by the Lady of the Lake.

The enemy has treated me with neglect. He continued in his old positions until Saturday last, (the 9th,) when he took up his retreat on Burlington heights, and has abandoned this whole peninsula. Two causes are assigned for this precipitate movement: the succor of Proctor, who is reported to have been entirely defeated, if not taken; the other, the safety of Kingston, endangered by your movement.

We have had from the enemy many deserters, most of whom concur in the latter supposition.

The British burnt everything in store in this neighborhood—three thousand blankets, many hundred stand of arms; also the blankets in the men's packs, and every article of clothing not in actual use.

They are supposed to have reached Burlington heights last evening, from the rate of their march the night before. I have information of their having passed "the 40," by several inhabitants who have come down. They add to what was stated by the deserters, that two officers of the forty-first had joined General Vincent from Proctor's army, with the information that Proctor was

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defeated eighteen miles this side of Malden. I cannot get particulars.

From the same sources of intelligence, it appears that the 49th, a part of the 100th, and the voltigeurs, moved from our neighborhood the day after our flotilla left this, (the 3d instant,) but with what destination is not certainly known.

It was first reported—I mean in the British camp—that these regiments had marched to support Proctor, who, it is said, wrote that he would be compelled to surrender if not supported.

I am pretty sure, however, that they are gone below. The movement of our army below seems to have been known in the British lines as early as the 3d instant, together with the immediate objects in view; hence, I have no difficulty in concluding that all the movements of the enemy will concentrate at Kingston.

Chapin, who has been commissioned Lieutenant Colonel, marched late last evening up the lake, with about one hundred volunteers under his command, and was followed this morning by Generals McClure and Porter, with about one thousand men, Indians and militia included. There is no danger of their coming up with the enemy, or they would be in great danger of a total annihilation.

Vincent took hence with him about a thousand or eleven hundred regulars. Many of the militia left this with the avowed design of plunder; but I fear, from reports, that the British have left the miserable inhabitants without anything to be ravished. I expect General McClure back tomorrow evening, as he only took with him supplies for two days. He will probably go as far as "the 20."

On the 8th, Chapin went out with a small party and attacked one of the enemy's pickets, which brought on a skirmish, in which many of Colonel Swift's regiment participated. After a great waste of ammunition, the parties retired to their respective camps with little loss on either side. We made and lost a prisoner; had two Indians killed, and two other men wounded. We hear the enemy had five men wounded.

I had this morning made an arrangement, on application of General McClure, to be relieved in the command of this post on the morning of the 13th instant, with an intention of taking up my line of march for Sackett's Harbor, according to the discretion allowed me in the instructions I had the honor to receive from you at this place. My situation has become truly insupportable, without the possibility of an attack at this post, and without the possibility of reaching you time enough to share in the glory of impending operations below. I am, nevertheless, flattered with the assurance that transport will be forwarded for my removal; and, to favor that intention, I propose taking up my line of march on the morning of the 13th, for the mouth of the Genesee river, and there await the arrival of the vessels you are good enough to promise me. By this movement, Captain Mix thinks with me that I shall hasten my arrival at Sackett's Harbor five, possibly ten days. Captain Camp has a sufficient



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number of wagons to take me thither. I can easily make that place by the evening of the 15th. I hope I shall have your approbation, and everything is arranged with Brigadier McClure.

Knowing your wishes respecting the invalids or subjects for discharge, and fearing that water transport might not be had till the season was too far advanced for their removal, I have ventured to send Lieutenant Archer (paymaster of the 20th, who was left here without orders) on command to Greenbush, with one hundred men of this description. It was a measure approved of by Captain Mann, and I hope not contrary to your wishes and intentions. Doctor Hugo, Surgeon's Mate of the 14th, (also left here without orders) accompanied the detachment. The Quartermaster's department furnished eight wagons, on my requisition.

The sick list of the garrison is much reduced since your departure, (I have the honor to enclose my report of this morning,) and Doctor Mann has discharged many patients from his hospital; I also enclose you his last report. Those marked "subjects for discharge," are part of the number sent off from Greenbush.

Doctor Mann and Doctor Camp have concluded to remove the general hospital to "the Eleven Mile Creek," near Buffalo, the barracks at which place will be sufficient for the reception of the whole of the sick, with some trifling repairs.

From the morning report, enclosed, you will find seven hundred and ninety-four the "total," &c. present of the regulars of this garrison, including officers, &c. Transport will be necessary for about eight hundred and fifty persons. I wish also to take with me four iron 6's, one 5½ inch howitzer, and two caissons, the whole on field carriages. This train will form no impediment in my march to the mouth of Genesee river, as I have horses belonging to the regiment sufficient to draw it. If it meet your approbation, I can send the horses thence to Sackett's Harbor by land.

I have, by working almost night and day, greatly improved the defences of this post, and nearly filled up the idea of the engineer. I flatter myself that I have also improved the garrison in discipline.

I must apologise for the haste in which this is written, but Captain Mix proposes to sail immediately, and I fear to detain him a moment. I think I shall certainly be at the mouth of the Genesee by the 15th instant.

I have the honor to be, sir, with the highest respect, your most obedient servant,

W. SCOTT, Col. commanding.

Maj. Gen. WILKINSON, Commanding, &c.

Extract of a letter from Colonel Winfield Scott to the Secretary of War, dated

GEORGETOWN, (COL.) Dec. 31, 1813.

"At your desire, I have the honor to make the following report:

"I left Fort George on the 13th of October last, by order of Major General Wilkinson, with the

whole of the regular troops of that garrison, and was relieved by Brigadier General McClure, with a body of the New York detached militia.

"Fort George, as a field work, might be considered as complete at that period. It was garrisoned with ten pieces of artillery, (which number might easily have been increased from the spare ordnance of the opposite fort) with an ample supply of fixed ammunition, &c., as the enclosed receipt for these articles will exhibit.

"Fort Niagara, on the 14th October, was under the immediate command of Captain Leonard, first artillery, who, besides his own company, had Captain Read's, of the same regiment, together with such of Brigadier General McClure's brigade as had refused to cross the river. Lieutenant Colonels Fleming, Bloom, and Dobbins, of the militia, had successively been in the command of this fort, by order of the Brigadier General, but I think neither of them was present at the above period. Major General Wilkinson, in his order to me for the removal of the regular troops on that frontier, excepted the two companies of the first artillery then at Fort Niagara. And, under the supposition that I should meet water transport for my detachment at the mouth of the Genesee river, I had his orders to take with me the whole of the convalescents left in the different hospitals by the regiments which had accompanied him. This order I complied with."

NOTE—By the arrangements of the War Department, Brigadier General Porter of the United States' Army, was designated for command on the Niagara frontier, and particularly for that of Fort George. In the latter trust, General Wilkinson substituted for him Colonel Scott, of the third regiment of artillery, with provisional orders to join the army at Sackett's Harbor.

WAR OFFICE, Feb. 8, 1813.

Ordered, That Captain Leonard, (first regiment of artillery) be arrested, and his place be supplied by Captain Armistead, of the same regiment.

JOHN ARMSTRONG.

Adj. Gen. CUSHING.

Extract of a letter from Adjutant General Thomas H. Cushing to Captain George K. Armistead, dated at this Office, February 9, 1813.

"You will please to proceed to Niagara, in the State of New York, and relieve Captain Nathaniel Leonard in the command of the company of artillerists now at that post; which company is to be returned and mustered in your name, from and after the day on which you receive the command of it; and Captain Leonard will be instructed to deliver the said company to you, with books, papers, clothing, and everything appertaining to it.

"You will call on Major General Dearborn at Albany, and receive his orders."

ADJ. AND INSPECTOR GEN'S OFFICE,  
Washington, Jan. 22, 1814.

The above is a true copy from the original as recorded in this office.

J. B. WALBACH, Adj. Gen.

*Failure of the Northern Army.*

Extract of a letter from Adjutant General Thomas H. Cushing to Major General Henry Dearborn, dated at this office, February 8, 1813.

"The conduct of Captain Leonard at Niagara has been represented in a very unfavorable light to the Secretary of War, who has instructed me to send Captain George Armistead to relieve him in the command of the company at that post; and I have instructed Captain Armistead to proceed on his journey immediately, and to wait on you for any instructions you may think proper to give. Captain Leonard must not exercise command until his conduct has been inquired into."

ADJ'T AND INSPECTOR GEN'S OFFICE,  
Washington, Jan. 22, 1814.

The above is a true copy from the original as recorded in this office.

J. B. WALBACH, *Adj. Gen.*

Extract of a letter to the Secretary of War from Major George Armistead.

FORT McHENRY, January 19, 1814.

"Captain Leonard was not arrested or brought to trial during my stay on the frontier; nor was he ever instructed, to my knowledge, to give me the command of his company."

WAR DEPARTMENT, October 4, 1813.

SIR: Understanding that the defence of the post committed to your charge may render it proper to destroy the town of Newark, you are hereby directed to apprise its inhabitants of this circumstance, and to invite them to remove themselves and their effects to some place of greater safety. I am, &c.

JOHN ARMSTRONG.

Brig. Gen. McCLURE,  
or officer com'g Fort George, U. C.

General Harrison's orders to General McClure.

HEADQUARTERS, NEWARK,  
November 15, 1813.

DEAR SIR: Being ordered to return to the westward, you will be pleased to resume the command which you received previous to my arrival at this place.

The orders which you heretofore have received will govern you. It will be necessary that you keep a vigilant eye over the disaffected part of the inhabitants; and I recommend that you make use of the zeal, activity, and local knowledge, which Colonel Wilcocks certainly possesses, to counteract the machinations of our enemy, and insure the confidence of our friends amongst the inhabitants. It will, however, I am persuaded, be your wish, as it is your duty, to guard the latter as much as possible from oppression.

The volunteers which were lately called out, will be retained as long as you consider their services necessary; the draughted militia, until further orders are received from the Secretary of War.

There can be little doubt of its being the

intention of the enemy to send the greater part of the troops which they have at Burlington and York to Kingston, and to make York the right of their line. They may, however, have a small command at Burlington, and those may be so securely posted as to render them safe from any desultory expedition you may set on foot; but it is desirable to have any supplies which they may have collected in the neighborhood destroyed; and should the success below be not such as to promise possession of the whole of the upper province, may be destroyed.

Captains Leonard and Reed, or either of them, are appointed to muster your troops when and where you think proper.

In closing this communication, I should not do justice to my feelings, if I were not to acknowledge the zeal and talents with which you have managed your command. Your conduct appears to me to have been extremely judicious and proper throughout, and your troops exhibit a state of improvement and subordination which is at once honorable to your officers and themselves.

I am, very sincerely, your friend and obedient servant,

WILLIAM H. HARRISON.

Brig. Gen. GEORGE McCLURE.

FORT GEORGE, Nov. 10, 1813.

DEAR SIR: Major General Harrison embarked with his troops yesterday, on board the fleet destined for Sackett's Harbor, leaving the command once more in my hands. Owing to continued opposing winds, the fleet has not yet gotten out of sight.

A correspondence which took place between the General and myself, copies of which are herewith sent, will at once explain to you my views and feelings relative to the operations proposed to have been effected on this frontier. I am confident that the expressions of regret made by General Harrison are equally sincere with mine, though we both acquiesce in the necessity which dictated his abandonment of the projected expedition against Burlington.

About four hundred volunteers have repaired to this post under my late call, made in conformity with General Harrison's wishes and request. A few are still coming in. I shall take care that they shall not be unemployed. I am this moment sending out a detachment of two hundred mounted volunteers, with directions to penetrate the enemy's lines as far as practicable with safety. In the meantime, I am making preparations for moving in force against them, unless the intelligence expected from this excursion should be such as to make it improper.

Accounts of the enemy's force still vary much. A deserter came in to-day, who represents their force to be one thousand five hundred regulars, and eight hundred Indians, at Burlington and Stoney creek. The former I think is magnified.

It is impossible to form a correct opinion of their intended movements. At one time they appear to be sending down their stores and de-

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tachments of troops to York. At this time, it is said they are reinforcing, fortifying, and building barracks.

The term of service of my troops will expire on the 9th December. It can hardly be expected that many will willingly continue in service a longer time. Your Excellency will at once see the necessity of prompt arrangements being made to supply their place, if it be contemplated to retain this garrison.

I enclose herein my late address, made under the sanction of General Harrison.

I have the honor to be, your Excellency's obedient humble servant.

GEORGE MCCLURE,  
*Brigadier General.*

His Ex'cy J. ARMSTRONG, *Sec'y of War.*

FORT GEORGE, *November 15, 1813.*

DEAR SIR: The subject of our conversation this morning has occupied my most serious reflections. The deadly blow heretofore given to the patriotism of our citizens on this frontier has prepared them for murmurs and complaints; those who are not on their march have left their homes and their business under great sacrifices, with the moral certainty of being brought into action.

The last address which I issued under your directions, and which, I am happy to find, has met your approbation, gives them reason for indulging the expectation of service, and they are anxious to drive the enemy from their borders forever. The high character of General Harrison, combined with these circumstances, has excited strong interest in the public mind relative to our operations.

In this peculiar situation of affairs, I feel it to be due to the gallant volunteers and militia, who are assembled and collecting, and to my own reputation, most respectfully to solicit, that, if it is not incompatible with your instructions and your better judgment, you will not abandon our projected expedition against Burlington heights; such is the anxious wish of the militia, and I have no doubt the soldiers under your command are equally, if not more, desirous of the employment.

My anxiety on the subject I trust will excuse the appearance of any disrespect, in making this communication, which is certainly far from my feelings. My confidence in the valor, ability, and prudence, of General Harrison, will dispose me most cheerfully to submit to any arrangements he may be bound to make, however great may be my disappointment in their result.

I have the honor to be, with the utmost respect, your obedient servant,

GEORGE MCCLURE.

Major General HARRISON.

HEADQUARTERS, NEWARK,  
*November 15, 1813.*

DEAR SIR: Your letter to me of this morning has been received. I feel most severely the weight of the reasons which you urge for the prosecution of the intended expedition to Burling-

ton. The disappointment, however, to the brave and patriotic men, who have turned out under the expectation of serving their country effectually in the field, at this inclement season, is the most painful circumstance attending it, as I am well convinced, from the information received this morning and last evening, that the enemy are removing as fast as possible from the head of the lake to Kingston, which has been left with a very small part of the force that was lately there; and it is more than probable that, should we advance in force, the enemy having now none but effective men at Burlington, would destroy the stores which they have remaining there, and retreat too rapidly to be overtaken. There are considerations, however, which would make it extremely desirable to make an expedition of force in that quarter, but the orders I have received from the Secretary of War leave me no alternative.

Commodore Chauncey is extremely pressing that the troops should immediately embark, declaring that the navigation, at this season, to small vessels, is very dangerous. The force at Sackett's Harbor is —. The troops at York are all hastening down to Kingston.

Sackett's Harbor may be endangered by even a delay of a few days; and should the troops that are here not get down before the lake is frozen, our fleet may be destroyed for the want of their aid. I cannot, therefore, take upon myself the responsibility of delaying their going down, even a day. Will you be so good, at a proper time, as to explain the above circumstances to the patriots who left their homes with the intention of assisting me to drive the enemy far from our borders, and assure them that I shall ever recollect, with the warmest gratitude, the partiality they have been pleased to express for me, and their preference of serving under my command.

I will direct payment to be made to the volunteers for rations and forage in coming out.

Accept my best wishes for your health and happiness, and believe me, sincerely, your friend,

WM. HENRY HARRISON.

General MCCLURE.

Extract of a letter from Brigadier General McClure, to the Secretary of War, dated.

FORT GEORGE, *Nov. 21, 1813.*

"My mounted men have returned from the head of the lake, having progressed within sight of the enemy's pickets at Stoney creek. Colonel Wilcocks, who commanded, reports that, from the best information he could collect, the enemy's force consists of from twelve to fifteen hundred regulars, and nine hundred Indian warriors. They have discharged their teams, and, apparently, intend wintering there and at Burlington.

"It would be very desirable to dislodge them from their position, but I fear my force is insufficient for that object. At this inclement season it might be attended with serious consequences to attempt anything more than desultory excursions. The volunteers who have lately come in must, however, be actively employed, or they

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will return to their homes. The draughted militia on this side the Niagara are, perhaps, equal to any troops in the United States. I regret that their terms of service will expire so soon. Permit me to suggest the propriety of offering a small bounty to such of them as will volunteer to serve a longer time after their present term of service expires; say for one or two months, or until other troops can be sent on to supply their places.

"Should I move with my troops towards the head of the lake, the greatest advantage I can promise myself will be to destroy some contiguous mills, and to bring off a quantity of flour, which is becoming scarce with us."

ALBANY, November 25, 1813.

SIR: Your letter of the 17th instant has been received, and I hasten to inform you that a requisition for one thousand militia, to take the places of those now with you, has been made, and will be complied with as promptly as possible by the Governor.

You say nothing of the volunteer corps which General Porter engaged to raise, and which was long since authorized by me. If, in this effort, he has failed, what are you to expect from militia draughts, with their constitutional scruples? On the other hand, should he have succeeded, and should General Harrison's opinion of the intentions and movements of the enemy be well founded, your force will be competent to somewhat more than defence.

The General was not under orders to quit the Niagara frontier at any particular time. His movement, in this respect, was matter of arrangement with Commodore Chauncey, and this was necessarily subject to considerations arising from weather and season.

In the application of your present force, and in the means you take to enlarge and continue it throughout the Winter, you will be guided by the orders received from the commanding General, at the time he left you, and by such others as he may give to you hereafter.

I am, sir, very respectfully, your obedient servant,  
JOHN ARMSTRONG.  
Brigadier General McCURE.

Extract of a letter from Mr. Parker, Chief Clerk of the War Department, to General McClure, dated

WAR OFFICE, November 27, 1813.

"In the absence of the Secretary of War, I have had the honor to lay before the President your letters of the 19th and 21st instant, with their enclosures. The measures which you have adopted to increase your command on the Niagara frontier are approved by the President.

"Should the men, whose term of service expires in December, withdraw from the frontier, there can be no impropriety in continuing the officers who compose the court martial, until they discharge that duty.

"Although there is no law authorizing the

President to give a bounty to such militia as will remain in service after their time expires, still, as it would render your force more efficient than a new draught, (even if the men could be obtained,) I have no hesitation in recommending that you adopt such further measures as will insure the protection of Fort George and the Niagara frontier, until other means of defence can be provided.

"For this purpose the Paymasters serving with your troops, may be required to make such payments or advances as you shall think proper to order."

Extract of a letter from Brigadier General McClure, (New York militia) to the Secretary of War, dated

NIAGARA, December 10, 1813.

"This day found Fort George left to be defended by only sixty effective regular troops, under Captains Rodgers and Hampton, of the 24th regiment of United States' infantry, and probably forty volunteers. Within the last three days the term of service of the militia has been expiring, and they have re-crossed the river almost to a man. Foreseeing the defenceless situation in which the fort was left, I had authorized some of my most active subalterns to raise volunteer companies for two months, and offered a bounty, in addition to the month's pay. It is with regret I have to say that this expedient failed of producing the desired effect. A very inconsiderable number indeed were willing to engage for a further term of service, on any conditions.

"From the most indubitable information, I learn that the enemy are advancing in force. This day a scouting party of Colonel Wilcocks's volunteers came in contact with their advance at Twelve Mile creek, lost four prisoners and one killed; one of the former they gave up to the savages. This movement determined me in calling a council of the principal regular and militia officers left at Fort George this morning. They all accorded in opinion that the fort was not tenable with the remnant of force left in it. I, in consequence, gave orders for evacuating the fort since dusk, and, with but three boats, have brought over all the light artillery, and most of the arms, equipage, ammunition, &c., and shall doubtless have time to dispose of the heavy cannon before the enemy makes his appearance. The village of Newark is now in flames; the few remaining inhabitants in it, having been notified of our intention, were enabled to remove their property. The houses were, generally, vacant long before. This step has not been taken without counsel, and is in conformity with the views of your Excellency, disclosed to me in a former communication.

"The enemy are now completely shut out from any hopes or means of wintering in the vicinity of Fort George. It is truly mortifying to me that a part of the militia at least could not have been prevailed on to continue in service for a longer term; but the circumstance of their having to live in tents at this inclement season, added to that of the Paymaster's coming on only prepared to fur-

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nish them with one, out of three months' pay, has had all the bad effects that can be imagined. The best and most subordinate militia that have yet been on this frontier, finding that their wages were not ready for them, became, with some meritorious exceptions, a disaffected and ungovernable multitude.

"December 11.—I have this moment received a communication from the Governor of this State, covering a requisition on Major General Hall for one thousand men. It is probable that not more than six or seven hundred will rendezvous on this frontier, which will, in my humble opinion, be not more than competent to its proper protection, as some will have to be stationed at Black Rock, Schlosser, and Lewistown.

"I have written to General P. B. Porter, desiring him to employ the Indians for the protection of Buffalo, until the detachment arrives. Our shipping is in danger. No exertion will be wanting, within the pale of our limited means, to afford the protection contemplated."

Letter from the Secretary of War to Major Lee, of the 16th regiment of Infantry, Deputy Paymaster of the Army at Utica.

SHELDEN'S November, 4, 1813.

SIR: You will immediately take measures to pay off the brigade of McArthur (1,300 men) at Fort George, and the militia, volunteers, and Indians, under General McClure. Send an assistant, without loss of time, on this business. I am, &c.

JOHN ARMSTRONG.

Extract of a letter from Brigadier General George McClure to the Secretary of War, dated

HEADQUARTERS, NIAGARA,  
December 13, 1813.

"Since I last had the honor of writing you the enemy has appeared in considerable force on the opposite shore; but having deprived them of a shelter, they are marching up to Queenstown, and appear to be fortifying on the heights. Several hundred Indians have appeared. I have prevailed on Lieutenant Colonel Greaves, and about one hundred of his regiment of artillery, to remain in the service one month longer, until the detachment of militia which I have ordered arrives here. I have directed the Colonel, with two pieces of artillery, to Lewistown, to open a hot shot on Queenstown, and deprive them of quarters also. You will observe from my despatch of yesterday that every building in Newark is reduced to ashes. The enemy is much exasperated, and will make a descent on this frontier, if possible; but I shall watch them close with my handful of men, until a reinforcement of militia and volunteers arrive, when I shall endeavor to repossess myself of Fort George, and drive them back to Burlington. I am not a little apprehensive that the enemy will take advantage of the exposed situation of Buffalo, and our shipping there. My whole effective force on this ex-

tensive frontier, including the garrison at Fort Niagara, does not exceed two hundred and fifty men. I have sent an express to Mr. Granger, the Indian Agent, to call out the Indians; an exhibition of two or three hundred of them will strike more terror in the British than one thousand militia. Permit me to observe to you, sir, that it is all important that payment should be made punctually to the Indians every month, at the expiration of the term they may volunteer for. They are a people that cannot be made to understand the difficulty of having funds here at all times for that purpose. I beg leave to mention that Mr. Granger has interested himself warmly in support of the Government, by his endeavors to have the Indians join us on every occasion, and accompanied me himself on my late expedition to the twenty—

"This day I start to Buffalo, which place I shall make my headquarters. I will reinforce this garrison as soon as possible. In the mean time, nothing shall be wanted on my part to promote the views of the Government, and protect the defenceless inhabitants of this frontier."

HEADQUARTERS, BUFFALO,  
December 22, 1813.

SIR: I regret to be under the necessity of announcing to you the mortifying intelligence of the loss of Fort Niagara. On the morning of the 18th instant, about four o'clock, the enemy crossed the river at Five Mile Meadows, in great force, consisting of regulars and Indians, who made their way undiscovered to the garrison, which, from the most correct information I can collect, was completely surprised. Our men were nearly all asleep in their tents; the enemy rushed in and commenced a most horrible slaughter. Such as escaped the fury of the first onset, retired to the old messhouse, where they kept up a destructive fire on the enemy, until a want of ammunition compelled them to surrender.

Although our force was very inferior, and comparatively very small indeed, I am induced to think that the disaster is not attributable to any want of troops, but to gross neglect in the commanding officer of the fort, (Captain Leonard,) in not preparing, being ready, and looking out for the expected attack.

I have not been able to ascertain correctly the number of killed and wounded. About twenty regulars have escaped out of the fort—some badly wounded. Lieutenant Peck, 24th regiment, is killed, and it is said three others.

You will perceive, sir, by the enclosed general orders, that I apprehended an attack, and made the necessary arrangements to meet it, but have reason to believe, from information received by those who have made their escape, that the commandant did not in any way comply with those orders.

On the same morning a detachment of militia, under Major Bennet, stationed at Lewistown heights, was attacked by a party of savages; but the Major and his little corps, by making a des-

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perate charge, effected their retreat, after being surrounded by several hundred, with the loss of six or eight, who doubtless were killed, among whom were two sons of Captain Jones, Indian interpreter. The villages of Youngstown, Lewistown, Manchester, and the Indian Tuscarora village, were reduced to ashes, and the inoffensive inhabitants who could not escape were, without regard to age or sex, inhumanly butchered by savages, headed by British officers painted. A British officer, who is taken prisoner, avows that many small children were murdered by the Indians. Major Mallory, who was stationed at Schlosser with about forty Canadian volunteers, advanced to Lewistown heights, and compelled the advanced guard of the enemy to fall back to the foot of the mountain. The Major is a meritorious officer. He fought the enemy two days, and contended every inch of ground to the Tanawant creek. In these actions Lieutenant Lowe, 23d regiment United States' Army, and eight of the Canadian volunteers, were killed. I had myself, three days previous to the attack on Niagara, left it with a view of providing for the defence of this place, Black Rock, and the other villages on this frontier. I came here without troops, and have called out the militia of Genesee, Niagara, and Chateaugay counties, *en masse*.

This place was then thought to be in most imminent danger, as well as the shipping, but I have no doubt is now perfectly secure. Volunteers are coming in in great numbers. They are, however, a species of troops that cannot be expected to continue in service for a long time. In a few days 1,000 detached militia, lately draughted, will be on.

I have the honor to be, &c.

GEO. MCCLURE,

*Brigadier General, commanding.*

Hon. J. ARMSTRONG, *Sec'y of War.*

Abstract of the Morning Report of the garrison of Fort Niagara, commanded by Captain Leonard.

DECEMBER 15, 1813.

Captain Leonard's comp'y,	total present	74	absent	19
Captain Hampton's do.	do.	88	do.	17
Lieutenant Peck's do.	do.	118	do.	9
Lieut. Frederick's do.	do.	44		

Total present 324 absent 45

Aggregate 369

LOOMIS,

*Lieutenant, and Acting Adjutant.*

JOHN WILSON,

*Brigade Major.*

Extract of a letter from General George McClure to the Secretary of War, dated

BATAVIA, December 25, 1813.

"It is a notorious fact, that, on the night on which Fort Niagara was captured, Capt. Leonard was much intoxicated, and left the fort about 11 o'clock, P. M. I am assured that he has since

given himself up; that he and family are now on the Canadian side of the strait. It was not without some reluctance that I left him in immediate command of the fort; but there was no alternative, as he outranked every other officer. His uniform attachment to British men and measures, added to the circumstance of his not effecting his escape when in his power, strengthens me in a suspicion that there was a secret understanding with regard to this disgraceful transaction.

"Permit me to suggest to you, sir, that, unless regular troops are sent to this frontier immediately, the enemy will penetrate into the interior of our country, and lay waste all before them. The militia will do to act with regulars, but not without them. In spite of all my exertions to insure subordination, my late detachment ultimately proved to be very little better than an infuriated mob. It was not, however, the fault of the privates, but of such officers as were seeking popularity, and who, on that account, were afraid of enforcing subordination, and introducing strict discipline.

"I have collected, from the different recruiting rendezvous, about one hundred and twenty soldiers, and put them under the command of Lieutenant Riddle, of the 15th United States' infantry, an excellent and deserving officer.

"I cannot conclude this communication without reporting the conduct of Doctor Cyrenius Chapin, (late Lieutenant Colonel of volunteers.) To him, in a great measure, ought all our disasters to be imputed. His publications in the Buffalo Gazette, that the enemy had abandoned Burlington, I fear had the desired effect. I have found him an unprincipled disorganizer. Since dismissing him and his marauding corps, he has been guilty of the most outrageous acts of mutiny, if not of treason. When I came to Buffalo, accompanied only by my suite, he headed a mob for the purpose of doing violence to my feelings and person; and when marching to the Rock, at the time of an alarm, five or six guns were discharged at me by his men."

Extracts of a letter from General Lewis Cass to the Secretary of War, dated Williamsville, eleven miles East of Buffalo, January 12, 1814.

"I passed this day the ruins of Buffalo. It exhibits a scene of distress and destruction such as I have never before witnessed.

"The events which have recently transpired in this quarter have been so astonishing and unexpected, that I have been induced to make some inquiry into their causes and progress; and doubting whether you have received any correct information upon the subject, I now trouble you with the detail.

"The fall of Niagara has been owing to the most criminal negligence. The force in it was fully competent to its defence. The commanding officer, Captain Leonard, it is confidently said, was at his own house, three miles from the fort, and all the officers appear to have rested in as much security as though no enemy was near



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them. Captain Rodgers and Captain Hampton, both of the 24th, had companies in the fort. Both of them were absent from it. Their conduct ought to be strictly investigated. I am also told that Major Wallace of the 5th was in the fort. He escaped, and is now at Erie.

"The circumstances attending the destruction of Buffalo you will have learned before this reaches you. But the force of the enemy has been greatly magnified. From the most careful examination, I am satisfied that not more than six hundred and fifty men, of regulars, militia, and Indians, landed at Black Rock. To oppose these, we had from two thousand five hundred to three thousand militia. All, except very few of them, behaved in the most cowardly manner. They fled without discharging a musket. The enemy continued on this side of the river till Saturday. All their movements betrayed symptoms of apprehension. A vast quantity of property was left in the town uninjured, and the Ariel, which lies four miles above upon the beach, is safe. Since the 1st instant they have made no movement. They continue in the possession of Niagara, and probably will retain it until a force competent to its reduction arrives in its vicinity."

Robert Lee, late of Lewistown, in the county of Niagara, and State of New York, gentleman, of the age of forty-two years, being sworn on the Holy Evangelists, deposeth and saith, that, some seven weeks immediately preceding the 19th of December last, he, this deponent, resided in Fort Niagara, for the purpose of attending to private business; that, about four o'clock in the morning of the 19th, the said fort was attacked or entered by the British. The garrison was not alarmed when the enemy entered the gates of the fort. Some firing took place after they entered the works, particularly between the guard at the Southeast block-house, and the sick in the hospital at the red barracks, on the part of the Americans, with the enemy. This deponent is positive that there were about four hundred men of all descriptions in the fort immediately before taken, and that three hundred and fifty of that number were capable and willing to bear arms in that way, viz: firing on the enemy from the block-houses, &c. The principal resistance the enemy met with was from the sick in the red barracks, and the guard at the Southeast block-house, beforementioned. The sick in the red barracks, as this deponent is informed, and from what he saw he believes, were nearly all slaughtered. The British force that took possession of the fort were in number about four hundred, commanded by Colonel Murray, who was wounded in the arm in entering the gate, and was succeeded in command by Colonel Hamilton. From the British order of congratulation, that issued on the same morning, it appeared that the Americans had lost sixty-five killed and fifteen wounded, which wounds were principally by the bayonet, as expressed in the order; but the above order issued very soon after they took possession of the fort,

and did not include a number that were afterwards found bayoneted in the cellars of the houses. This deponent thinks that our loss in killed in the whole amounted at least to eighty. It was a matter of frequent conversation and exultation among the British non-commissioned officers and soldiers, while this deponent was under guard, that they bayoneted the Americans, notwithstanding their crying out for quarter. A subaltern officer and about twenty privates made their escape from the fort by scaling the pickets. Captain Leonard, the American commander, was, at the time the fort was taken, at his farm, about two miles distant, and, hearing the attack, made towards the fort, and at no great distance from it was made prisoner by the enemy, and was kept in close confinement for two days and a half, and how much longer this deponent does not know. The American soldiers were kept two days in close and miserable confinement, without the use of provisions, and with a very scanty supply of wood and water; at the expiration of which the citizens and soldiers were crossed over the river, and lodged in a part of what had been the British magazine at Fort George, the residue in open plank and board huts; in both situations it was impossible to lay down. The magazine was so filthy that many of the prisoners became infested with vermin, and in that situation remained seven days. The citizens were then removed to a brick building up near Queenstown, where they were so much crowded that no kind of comfort was to be taken either by day or night. The supply of provisions was not only scanty, but of the very worst kind; beef of the most inferior and repulsive quality, and bread, the quality of which cannot be described. The water that they used, both there and at the magazine, they had to purchase. This deponent believes that, through the influence of an individual in Upper Canada, himself, together with ten other American citizens, were permitted, on the 13th instant, to cross to the United States. The residue of the citizens, to the amount of about seventy, were marched, on the 12th, under a strong guard, to Burlington heights; and this deponent was informed that from thence they would be sent to Kingston. The women and children taken at and near Lewistown were stripped of their clothing, and taken across the river. And further this deponent saith not.

ROBERT LEE.

Sworn to and subscribed this 18th day of January, 1814, before me,

J. HARRISON,  
*Master in Chancery.*

ON THE MANNER IN WHICH THE WAR  
HAS BEEN CONDUCTED.

[Communicated to the House, February 21, 1814.]  
WYTHE, Va., Feb. 8, 1814.

SIR: For the information of the House of Representatives, or any committee of that House who may have under consideration either the manner

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in which the war has been conducted, or my conduct as an officer of the Army of the United States, I enclose to you some documents, mostly originals, numbered from one to sixty-one inclusive.

Should those papers be necessary to me, for any purpose, at any time, no doubt they will be safe among the archives of the House of Representatives, and delivered on application to me or my order.

I have the honor to be, &c.,

ALEXANDER SMYTH.

Hon. L. CHEVES,

*Speaker House of Representatives.*

No. 1.

*General Orders.*

HEADQUARTERS, GREEN BUSH,  
September 13, 1813.

Brigadier General Alexander Smyth will proceed to Niagara and take the command of the brigade composed of the fifth, twelfth, thirteenth, fourteenth, and twentieth regiments of infantry, as they arrive at, or near, Niagara, and he will be respected and obeyed accordingly. On his arrival at Niagara, or in the vicinity of Major General Van Rensselaer's headquarters, he will report himself to that officer.

By order of Major General Dearborn.

E. BEEBE,

*Acting Deputy Adjutant General.*

No. 2.

HEADQUARTERS, GREENBUSH,  
October 4, 1812.

SIR: Your letter of the 27th, by Captain Dox, has been received. Before this reaches you, I trust the reinforcements will generally have arrived. I have made every effort in my power to have sufficient quantities of ammunition, clothing, medicine, arms, &c., forwarded, but not with all the success I could have wished. I shall continue to send on until I am satisfied there will be an ample supply. It rests with you to determine the proper time for acting offensively. You will, however, perceive the expediency of consulting the principal officers.

I am apprehensive that the enemy might attempt a stroke at the naval armament preparing at Sackett's Harbor, and it being of the first importance that no interruption should retard the progress of those operations, I doubt the expediency of withdrawing any part of the force from that place at present. When the troops destined for your post shall have arrived, your total force must exceed 7,000 men, which, I presume, will be sufficient for all contemplated purposes.

I confidently calculate on a co-operation by the way of Detroit, and on important aid from the naval department. It will be advisable to strike at Kingston from Sackett's Harbor, or its vicinity, or at least to attract the attention of the enemy in that direction, by such movement as will

threaten a blow. If we should be so fortunate as to obtain the command of the lake, Kingston and the country about it may be taken possession of, and all the supplies in that direction may be cut off. You should have as many flat boats (and scows, if possible) as will be sufficient to transport 5,000 men, with field pieces and artillery horses, at once, with the aid of such other vessels as can be readily procured.

The contractor should be reminded of the necessity of having a sufficient stock of provisions on hand for two months, exclusive of the current issues.

It will be proper that a correspondence be kept up by expresses, between you and General Harrison, which will enable you to ascertain his movements; but if we should be fortunate enough to command Lake Ontario, we ought to possess ourselves of that part of Canada bordering on the lake, including the vicinity of Niagara, whether Harrison succeeds or not.

I enclose to you a copy of General Amherst's order at Fort Edward, on the 12th of July, 1759. The authority must be respected by every British officer. It will be expedient for you to have such an order published, with such alterations only as the change in circumstances, in a national view, has rendered necessary; and it might be well to quote the authority referred to.

I have considered it fortunate to find such an order from so respectable a source. It is contained in the "Historical Journal of the Campaigns in North America, in the years 1757, '58, '59, and '60, by Captain John Knox," published in England in 1769.

With high consideration, I am, sir, your obedient servant,

H. DEARBORN.

Major General VAN RENSSELAER.

P. S. I am just informed that General Harrison will be at Detroit by the 15th of this month at the farthest. Forts Harrison and Wayne have been relieved, and the Indians dispersed.

No. 3.

Inspector's Report of the Twelfth Regiment of Infantry commanded by Colonel Thomas Parker.

*Officers, non-commissioned Officers, and Privates.*—The character of Colonel Parker is too well known at the War Office to require comment. Major Campbell will doubtless make a most valuable officer. The company officers are yet very ignorant of their duty; but they generally appear to be very intelligent young men, and gentlemen. The non-commissioned officers and privates are, with scarcely an exception, excellent recruits.

*Arms, Accoutrements, and Ammunition.*—The muskets are good, but some few of them out of repair. No gun slings have been furnished; neither has there been a sufficiency of screw-drivers, worms, picks, or brushes, supplied. The knapsacks are very bad, as are likewise the canteens. The regiment has only about twenty-three rounds of ball cartridge, and not two flints per man; and

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there is no ammunition in store at this place. The cartridges are many of them very bad.

*Clothing and Pay.*—Though the month of October is partly gone, yet, strange to tell, this regiment has not received a single article of woollen clothing. All the men are without coats, and have been obliged to mount guard, during the cold and stormy weather which we have had for a week past, in their linen jackets and overalls. Unless immediate steps are taken to furnish proper clothing, the men must all fall victims to the neglect. Paid up to the 31st of August.

*Camp Equipage, Stationery Hospital Stores, &c.*—The tents are very bad. Camp kettles and tin pans, good and complete. Axes and spades, bad and incomplete. No stationery.

The Surgeon complains that he is without medicine, hospital stores, or surgical instruments.

*Provisions.*—Colonel Parker states that he receives good provisions for his regiment.

*Discipline.*—Captains Sangster's and Page's companies are very raw, and ignorant of their duty. Taking into consideration that the men are recruits, and have just come off a long and fatiguing march, the state of Captain Morgan's company does him honor, but its discipline is still very imperfect.

WILL. KING,

*Capt. and Assist. Insp. U. S. Army.*

CAMP NEAR BUFFALO, N. Y., Oct. 5, 1812.

No. 4.

Inspector's Report on the state of the Fourteenth Regiment of Infantry, commanded by Colonel William H. Winder.

*Officers, non-commissioned Officers, and Privates.*—The Colonel and Lieutenant Colonel appear to have taken great pains to acquire a knowledge of the duties of their stations. The company officers are almost as ignorant of their duty as when they entered service. The non-commissioned officers and privates are generally only tolerably good recruits.

*Arms, Accoutrements, and Ammunition.*—The arms of this regiment are in infamously bad order. They appear to be old muskets that have probably been bought up at reduced prices by the contractors or other public agents, and are now placed in the hands of men who are almost within gunshot of the enemy. The Inspector has no hesitation in giving it as his opinion, that at least one-fifth of them are unfit for service; and he believes, were they to undergo a critical inspection, a much larger proportion of them would be condemned. The cartridge boxes, bayonet scabbards, and belts, are good; the knapsacks are very bad. Neither gun slings, picks, nor brushes, have been furnished; nor has a sufficient number of screw-drivers and worms been supplied. This regiment has a large supply of ball cartridges, powder, and lead, but a considerable proportion of it is very bad; some of the cartridges are said to have been made up in 1794. There is a scarcity of flints.

*Camp Equipage, Hospital Stores, &c.*—The

tents never were good; and have been so much abused on the march to this place, that they afford little protection from the weather. Camp kettles and tin pans, good and complete; axes and spades, very bad. No supply of stationery. The surgeon states he is without medicine, hospital stores, and surgical instruments.

*Clothing and Pay.*—Though the month of October is partly gone, yet, strange to tell, this regiment has not received a single article of woollen clothing. All the men are without coats, and many without shoes or stockings; and have been obliged to mount guard, during the cold and stormy weather which we have had for a week past, barefooted, and in their linen jackets and overalls. Unless immediate steps are taken to supply proper clothing, the men must all fall victims to the neglect. Paid up to the 31st of July.

*Provisions.*—The Lieutenant Colonel states that the regiment is supplied with very bad provisions.

*Discipline.*—The regiment is composed entirely of recruits; they appear to be almost as ignorant of their duty as if they had never seen a camp, and scarcely know on which shoulder to carry the musket. They are mere militia, and, if possible, even worse; and if taken into action in their present state, will prove more dangerous to themselves than to their enemy.

WILL. KING,

*Capt. and Assist. Insp. Gen. U. S. A.*

CAMP NEAR BUFFALO, N. Y., Oct. 5, 1812.

No. 5.

Colonel P. P. Schuyler to General Smyth, dated  
OCTOBER 9, 1812, 11 o'clock, P. M.

SIR: The brig Adams has been on fire about twenty minutes, and will soon be consumed. We have saved some property that was on board, and taken three prisoners. Milton is now crossing to our shore. Brock has arrived opposite, with a very superior force. I wait your orders.

Respectfully,

P. P. SCHUYLER, Colonel.

No. 6.

Major General Hall to Brigadier General Smyth.

BUFFALO, October 12, 1812.

SIR: Will you have the goodness to inform me what time you will meet General Van Rensselaer, agreeably to his request, at Niagara?

Very respectfully, your obedient servant,  
A. HALL.

N. B. I was at the Rock this morning, and there was a good deal of firing from the British shore. It was said that some troops were marching up on the other side of the river. Lieutenant Elliot was apprehensive they might get artillery on the island, and destroy his vessels, unless men were placed on the island to prevent a landing. You will be able to judge the necessary force.

Yours,

A. H.

Brigadier General SMYTH.

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## No. 7.

Brigadier General Smyth to Major General Van Rensselaer.

CAMP NEAR BUFFALO, Oct. 12, 1812.

SIR: I have the honor to acknowledge the receipt of your letter at 10 o'clock, P. M. The badness of the weather and roads harassed the troops yesterday more than can well be conceived; to-morrow, I expect their clothing, and they will wash. Next day, they might march, to the number of twelve hundred effective men, but imperfectly disciplined.

It is said the enemy are in considerable force opposite to Black Rock; and as Lieutenant Colonels Scott and Chrystie have arrived with you, the time for attack is favorable; and may you conquer is my prayer.

I have the honor to be, &c.,

ALEXANDER SMYTH,  
*Brigadier General.*

Maj. Gen. VAN RENSSELAER.

## No. 8.

Extract of a letter from General Smyth to General Sheafe, dated

OCTOBER 18, 1812.

"As I am averse to taking a single life, or occasioning a single calamity, without an object, I propose a further continuance of the armistice, indefinitely, each party to have a right to terminate it, giving thirty hours notice to the other party; the armistice to extend along the frontier from Lake Erie to Lake Ontario."

CAMP ON THE MOUNTAIN,  
October 19, 1812, 6 o'clock, A. M.

SIR: I shall immediately proceed to Schlosser, to await your further orders. It would be pleasing to me to be ordered to proceed to our ultimate destination before the weather becomes more inclement.

I will thank you to give an order on the Quartermaster for eighty blankets, and thread to make watch coats for my regiment. Indeed, if in your opinion it could be justified, I could wish that every man could be furnished with one. Those I now ask for are intended for the use of the guards.

With the highest regard and respect, I am, sir, your obedient servant,

THOMAS PARKER,  
*Colonel 12th Infantry.*

## No. 9.

Brigadier General Smyth to the Secretary of War.

NEAR BUFFALO, October 20, 1812.

SIR: On the 16th instant, General Van Rensselaer, by a general order, invested me with the command of the troops between the Lakes Erie and Ontario, with power to order general courts martial, and exercise the authority of commander of a great military district.

On the 18th instant, I ordered Colonel Winder

(an admirable officer) to Fort Niagara; on the 19th I broke up the camp at Lewistown, ordered the militia, such as had not deserted, and excepting the artillery, to Schlosser; the artillery were put under Colonel Winder's command, and would most of them take post on the mountain opposite Queenstown. Colonel Parker, with the detachments of the 12th and 20th, will take post on a small creek near Black Rock, and collect the boats. Colonel Schuyler, with the detachments of the 5th and 13th, will take a position near him. The volunteers will encamp near Buffalo.

In the small creek I mention, I wish to have one hundred boats that will carry across at once four thousand men, and twenty or thirty scows or flats, to take over artillery or cavalry. And if you will increase my force to eight thousand men, with twenty pieces of light and field artillery, and some troops of cavalry, I will enter Canada, and leave the rest to Heaven.

Place no confidence in detached militia. They have disgraced the nation. Do not rely on the contractor for provisions. He has no salt meat, and only damaged flour. If you have any compassion on the service, send money either to Lieutenant Allison, my brigade quartermaster, or to some public agent under my orders. Without it we cannot supply the contractor's deficiencies; we cannot get transportation by land, build boats, procure forage, or anything else, wanted by the army.

Give me here a clear stage, men, and money, and I will retrieve your affairs or perish.

I have the honor to be, very respectfully, your most obedient,

ALEXANDER SMYTH.

## No. 10.

The Secretary of War to Brigadier General Smyth.

WAR DEPARTMENT, Nov. 4, 1812.

SIR: Your letter of October 20th has been received. On the 21st of October Major General Dearborn reported to this Department that he had granted General Van Rensselaer's request to retire from his command; that he had directed him to give over his command to you; and that he had written you "in a particular and explicit manner." You are too well acquainted with service to require to be informed that all communications respecting your command should be directed to that officer. A copy of your letter has been enclosed to General Dearborn.

Such ordnance as he may assign to Niagara must be sent from Albany. Transportation, whether by boats or wagons, is furnished by the Quartermaster's department; and in case of failure or deficiency in rations, purchases should be made according to the provisions of the contract, for which purpose bills may be drawn on this Department, properly advised, that the contractor may be made accountable.

Very respectfully, sir, your obedient servant,  
W. EUSTIS.

Brigadier General A. SMYTH,  
*Buffalo, New York.*

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## No. 11.

Colónel Parker's Report to Brigadier General Smyth.

Colónel Parker has the honor to report to General Smyth that, agreeably to his orders, he has caused to be collected all the boats that could be found last evening, and had them carried up the creek to an old field about a mile above the bridge, where they are left under a small guard.

He has also obtained a promise from Lieutenant Angus, of the Navy, to send out a party of sailors to collect all the boats he can find on the coast, and convey them to the same place.

Colónel Parker would beg leave to suggest to the General, the propriety of placing these boats under the charge of a careful officer; and, as many of them are leaky and scarce of oars, have them carefully prepared for service.

From report, Colónel Parker is of opinion that the Secretary of War will probably urge a descent on Canada this Fall; but he supposes that a discretionary power will certainly be given to the commanding officer on the lines. From the present state of the Quartermaster's and Commissary's departments; from the almost total want of discipline in the regular troops; and from the little confidence that can be placed in the militia force; it would appear that a successful issue could hardly be expected, and defeat might prove highly injurious to our country. If the General's attention should be entirely turned to the discipline of the troops, even to the 10th of next month, it is feared that, after that period, it would be too late to put the troops under a comfortable cover before the Winter sets in, which might be attended with the most fatal consequences. Would it not, therefore, be better to detail six or eight men, best qualified for the service, from each company, to commence the building the huts while the residue are employed on drill?

While Colónel Parker has taken the liberty of making the foregoing observations, he begs leave to assure the General of his entire submission to his better judgment, and of his determination to promote his views by every exertion that his feeble health and abilities will permit.

OCTOBER 22, 1812.

## No. 12.

Major General Dearborn to Brigadier General Smyth.

HEADQUARTERS, GREENBUSH,

October 21, 1812.

SIR: Major General Van Rensselaer having communicated a wish to retire from his command, I have acquiesced in his request, and have desired him to give over the command which he held to you, and to give you copies of my last two or three letters to him, and such information in relation to the enemy, his means of obtaining information, and the state of the troops, stores, &c., as he may possess. The unfortunate affair at Queenstown, on the 13th, is most seriously to be lamented; but we must endeavor, by redoubled efforts, to retrieve the state of our affairs. I have ordered Colónel Porter, of the ar-

tillery, to Niagara, to take command of the whole of the light and heavy artillery at that post. You will find in him all the requisite practical information and industry in his line. A fine company of light artillery, all mounted, will proceed as rapidly as possible to replace such as have been lost. On their arrival, it will, I presume, be expedient to send the greatest number of horses back to some place where forage may be conveniently obtained. I shall order Colónel McClure, with his battalion of uniform volunteers, to march from Onondaga to Niagara; and I yet hope that, when the troops shall have been concentrated, and put into a state of organization, that you will be able to pass into Canada, and secure good Winter quarters. I had directed General Van Rensselaer to call on the contractor for a deposite of provisions for at least two months, exclusive of the current issues. It will be expedient for you to repeat the requisition on the contractor. Captain Thomas, the Deputy Quartermaster General, will join you with stores and funds for that department; and I trust you will find in him an active and attentive officer. It will be proper to give Colónel Parker the command of a brigade. In all important movements you will, I presume, consider it advisable to consult some of your principal officers. Every means in your power should be exerted to procure a sufficient number of boats and scows for transporting the troops. You should, if possible, be prepared for crossing with three thousand men, with artillery, at once. Faithful and experienced boatmen should be selected for managing the whole of the boats, and there should be a surplus in each boat as a provision to meet accidents. The greatest precaution should be observed in the arrangement for embarkation and debarkation. You will pardon me for being thus particular. The most important consideration will be that of ascertaining and agreeing on the best and surest points for crossing; much will depend on a judicious selection of the principal landing places. Your information will enable you, with the advice of your principal officers, to decide on these subjects in the most judicious manner. That you may be so fortunate as to succeed in retrieving and meliorating the state of our affairs, is my most ardent wish. You will, by all practicable means, endeavor to correspond with General Harrison, who, I presume, is now at Detroit, with a very respectable force. I need not impress you with the necessity of cultivating a spirit of harmony and good understanding among all the corps under your command; on which the success of your operations will materially depend. I have been establishing a line of expresses between this place and Niagara, by which despatches may pass in about forty-four hours. You will direct where the non-commissioned officers of the express will be stationed near your quarters. The line will, I trust, be completed within two or three days after this reaches you.

With esteem and consideration, your obedient and humble servant,

H. DEARBORN.

*Manner in which the War has been conducted.*

## No. 13.

Brigadier General Alexander Smyth to Major General Dearborn.

CAMP NEAR BUFFALO, Oct. 24, 1812.

SIR: I have had the honor to receive your letter of the 21st instant, and shall fail in nothing in my power to retrieve the state of our affairs.

The affair of Queenstown probably diminished our force 2,000 men; one-half of which were killed, wounded, and prisoners, and the other half deserted, or were discharged in consequence of some battalions being greatly reduced.

General Van Rensselaer transferred to me the command on the 15th, and on the 16th I broke up the camp at Lewistown; sent the 14th infantry, under Colonel Winder, to Niagara; the militia artillery to a battery opposite the heights of Queenstown; the militia infantry and riflemen to Schlosser; and I returned with the 5th, 13th, 12th, and 20th, to my camp near Buffalo; the troops of the light and 2d artillery are at Black Rock.

In a creek at Black Rock I am collecting boats; and there I propose to cross. The Canadian shore is easy of access from Erie to Chippewa. There are some batteries opposite Black Rock that I can have carried when I please.

Boats are wanting. I have sent to have those which Chrystie brought to Niagara carried to Schlosser; this will be a difficult work. Scows are wanting and essential. As yet I have no funds.

The reinforcement you mention I hope will encourage those under my command. It is said 500 soldiers have arrived at Fort George since the battle; that the Indians have gone home to gather their corn; and that three-fourths of the militia are called into service. As the enemy's regular troops and flankers amount to 3,000 men, their militia, if called out, as said, may swell their force to 10,000 men.

It has seemed to me, sir, that the three armies should strike on the same day. If not, the command of the Lakes will enable the enemy to beat us in detail.

The sailors here will furnish me with excellent boatmen. I shall take the opinions of a few of my most enlightened officers at times, but I will decide.

There is some difficulty in giving Colonel Parker a brigade, as Schuyler contests his right to rank. Winder is an officer of the first class.

In consequence of the loss of five companies of the 13th, I consolidated the 5th and 13th, as was done by the Adjutant General in the case of the 12th and 20th. In consequence, Milton asked and obtained a furlough. His regiment was badly governed, and I found I had nothing to expect from him.

I do not expect the contractor to supply us with provisions. I received a number of returns at Lewistown, "unfit for duty for want of provisions."

We much want some cannon of large calibre for the fort of Niagara, and the batteries of Black

Rock. A powerful battery at the latter place would protect our landing at noon day.

The ship carpenters have gone off, which I much regret.

Colonel Porter will doubtless be of great service to us; but I should have preferred his coming to Black Rock.

I shall keep you advised of our progress.

I have the honor to be, with the highest respect and esteem, your most obedient,

ALEXANDER SMYTH,  
Brigadier General.

Major General DEARBORN.

## No. 14.

CAMP NEAR BUFFALO, Oct. 25, 1812.

A hospital will be immediately established at Buffalo. Houses shall be rented, and Doctor Hays will take charge of, and regulate it.

To that hospital the sick and wounded in camp and its vicinity will be removed. Doctor Hays will make requisitions for such articles as are necessary for their comfort, and matrons and nurses will be employed.

By order: H. SMYTH,  
Lieut. 3d Artillery, and A. D. C.

## No. 15.

HEADQUARTERS, NEAR BUFFALO,  
Oct. 27, 1812.

Captain Allison will to-day vacate the court-house, to be used as a hospital. He will take possession of the barracks in which Capt. Harris's company of militia has been stationed.

ALEXANDER SMYTH,  
Brigadier General commanding.

## No. 16.

Major General Dearborn to Brigadier General Smyth.  
HEADQUARTERS, GREENBUSH,  
October, 28, 1812.

SIR: Your letters of the 22d and 24th were received at 5 o'clock P. M. yesterday. This will leave here to-morrow morning at 7 o'clock. I have this day received information from General Bloomfield that about 800 men, with several field pieces, left Montreal for your neighborhood on the 14th instant; of course the sooner you are prepared to strike the better. From the accounts I have received from Fort George, I am induced to believe that, exclusive of Fort Erie and its immediate dependencies, the whole force on the British side of the river does not amount to more than twelve or fourteen hundred, including the militia which were in service at the time of the unfortunate partial attack; and the derangement the death of General Brock must have occasioned in relation to the militia and Indians must have a considerable effect on their measures of defence, if they are not allowed too long a time for procuring reinforcements, and forming a new organization. I expect that General Bloomfield will move immediately towards Montreal, and I cal-



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culate on his being able to beat up the several posts between his camp and the river St. Lawrence. You should be explicit and positive in your orders to the contractor for having at least two months' deposit of provisions on hand, exclusive of the current issues. If you should determine on crossing from the vicinity of Black Rock with your main force, will not the enemy have it in his power to destroy the bridge over Chippewa creek, and render your passage difficult? You will, I presume, think it advisable to make one or more feints at other points, while your main body crosses at the place decided on.

I am induced to suspect that the actual benefit of heavy ordnance, in facilitating a landing, has been overrated. Some twelve pounders in scows would, in my opinion, be of more service in covering a landing than the fire of heavy pieces at long shots. And when a footing is secured on the Canada shore, the ordnance in their batteries must undoubtedly fall into your hands. Neither General Van Rensselaer nor yourself have said anything in relation to the arrival of the Pennsylvania militia. I presume they must have arrived, or that you will have sent in quest of them, with orders to hurry on as quick as possible. An additional supply of powder, balls, paper, &c., has been ordered to your post. Colonel Porter left this place on the 24th with 100 light artillerists, all mounted, and well appointed in every respect. He will proceed in the stage to Canandaigua, and from thence to your quarters as rapidly as possible. You will perceive the propriety and necessity of a return being made of all the troops under your command, which has been too long delayed.

With esteem and consideration, I am, sir, your obedient servant,

H. DEARBORN.

Brigadier General SMYTH.

No. 17.

Extract of a letter from James Selden, Jr., of Troy, to General Smyth, dated

NOVEMBER 27, 1812.

"I am informed, from an undoubted source, that the British have received a reinforcement of 800 regulars at Fort George; that is, they are not exactly at Fort George, but have encamped about one and a half miles up Chippewa creek, where the enemy have been building barracks. A cousin of mine brought me this information, who was in the British militia service, and deserted."

The new barracks erected in the vicinity of Fort George and Chippewa have, from the precipitancy of the enemy's flight, escaped being burnt.

E. BAYNES, Adj. General N. A.

No. 18.

Colonel Thomas Parker to General Smyth.

CAMP, Oct. 30, 1812.

SIR: You did me the honor last evening to consult me about the propriety of forming a brigade, to be composed of the regular troops ex-

pected in camp, and some of the volunteers and militia now on the lines.

I have been made acquainted, from different sources, with the disposition of the troops at Buffalo and Colonel Swift's regiment, and I think there is only one company amongst them that would not corrupt any regular troops that they might be associated with. And even that company would not be willing to be subjected to regular discipline. What may be the disposition of the volunteer Irish Greens I do not know; but, upon the whole, I should think it best to keep the regulars entirely distinct from them.

I would beg leave to recommend that the militia and volunteers be formed into a distinct brigade, and put under strict drill. If they will not bear this, they had better be at home.

I must beg leave, sir, to call your attention to the requisition made for flannel, as it will be of infinite service to our men.

I have the honor to be, with much respect and esteem, sir, your obedient servant,

THOMAS PARKER,  
Colonel 12th Infantry.

No. 19.

Brigadier General Alexander Smyth to Major General Dearborn.

CAMP, NEAR BUFFALO, Oct. 30, 1812.

SIR: I have had the honor to receive, to day, at four o'clock P. M., your letter of the 28th inst.

We may, in a few days, have together seventy boats, that would carry over three thousand five hundred men; but we have no scows. I have set all the carpenters, and some citizens, to building of scows. We want tools and materials. The Deputy Quartermaster gives it as his opinion that we can have ten scows in twenty days.

I would cross in three days, if I had the means; without them, it would be injustice to the nation and myself to attempt it. I must not be defeated.

The New York Greens, and a troop of volunteer cavalry have arrived. The twenty-third regiment, the Pennsylvania volunteers, and those from Baltimore, have not arrived.

The Deputy Quartermaster has brought on checks instead of money; and he is unable to make payments. His letter to the Quartermaster General is enclosed; and I request that money may be sent to him immediately.

If I can beat the enemy on the plains of Erie, and take that place, I will find means to get to Fort George, whatever may become of the bridge of Chippewa.

I have the honor to be, with perfect respect, your most obedient servant,

ALEXANDER SMYTH,  
Brigadier General.

No. 20.

Colonel William H. Winder to Brigadier General Smyth.

FORT NIAGARA, Oct. 30, 1812.

SIR: Captain Archer, of the 2d artillery, arrived

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at this post this morning; he has with him about sixty men and two six pounders. His instructions were to report himself to Lieutenant Colonel Scott, at this place.

Under the circumstances, I have deemed it advisable to recommend his waiting your orders here; which he will do. I send this by an express.

In a letter, which I addressed you by Mr. Suchet, I suggested the propriety of retaining ten or twelve boats on this end of the line; a knowledge of your wishes on this subject might prevent the labor and trouble of bringing them back from Schlosser.

The movement of troops and boats from this end of the line has occasioned a considerable movement of men, from the other side of the river, towards Erie. They have been principally, if not altogether, militia. The number expected, by the cavalry stationed between this and Lewis, as passing up, are from four to five hundred.

This morning the armed ship Earl Moira has arrived, accompanied by a small unarmed schooner, having a number of men on her deck; but how many there are cannot yet be ascertained, as they have not landed.

I shall gather all the force I can, and parade them near here to-morrow; my object will be to prevent the accumulation of force against your end of the line, by making a display here; should your movements render it necessary, I can send them on to that end of the line by a fleet.

Should not Captain Archer be necessary to you he will be of important service here.

I am, sir, your obedient servant,

WM. H. WINDER,  
*Colonel Commanding.*

Brig. Gen. ALEXANDER SMYTH,  
*Commanding Centre Army.*

No. 21.

Colonel William H. Winder to Brigadier General Alexander Smyth.

FORT NIAGARA, November 3, 1812.

SIR: I avail myself of the opportunity, by Lieutenant Totten, of the Engineers, to write you. You will find him a useful and valuable officer in his professional line, and an estimable private man.

I shall send the clothing for the fifth, which is one barrel only, and a quantity of stockings, by Quartermaster Allison. I also enclose you a return of clothing at this place, made to me by Captain Leonard. This list is exclusive of twenty-three tierces, sent on to the fourteenth, which contain coats, pantaloons, and vests, only of winter clothing.

Another vessel arrived at Fort George yesterday evening. It was near dark, and no accurate observations could be made from here. Captain Archer was at the Salt battery, directly opposite Fort George, and will be able to inform you more particularly; I have not seen him. It is said that a body of Indians landed from her, say one hundred. Every one of their brethren that we can raise should cross to meet them. I sus-

pect the enemy relies very much upon his savage ally. As many militia riflemen as can in any sort be relied on, and can be got to cross, would be important.

Should your plans permit a notice of twenty-four hours to be given to me before I move from here, I might make some movements to draw them toward this end of the line. By selecting the twilight, of morning or evening, I might give my force the appearance of a thousand men, and make some indications of crossing.

My whole force is applied to the requisite labor of the garrison and batteries. I shall turn to drilling at every movement.

I am, with very great respect, your obedient servant,

WM. H. WINDER, *Colonel.*

Brig Gen. ALEXANDER SMYTH,  
*Commanding Centre Army.*

No. 22.

Lieutenant Colonel Livingston to General Alexander Smyth.

BUFFALO, Nov. 4, 1812.

SIR: I have the honor to report the result of my inspection, as far as was in my power, of General Miller's brigade of militia, and the organization of the same, as contemplated by your order of the 29th ultimo. I regret I am not enabled to make a favorable report, but the state of the brigade is such as to be little better than an undisciplined rabble, and it may be a question whether they are not of more disservice than of use; the total want of order no doubt proceeds from the ignorance of the officers, and the great familiarity that exists between them and their men; that this can be remedied, perhaps is impossible, while such materials are employed for officers. I have endeavored to select and retain in service the best, and such as I am told will not shrink from duty.

After waiting two days for the different returns, I found it impossible to obtain them, although I applied to the General and his Brigade Major, whose duty I presume it was to furnish them. This circumstance prevents my giving a statement of the exact number of men, arms, ammunition, &c. The arms in use are good, although not kept (with a few exceptions) in such order as they ought to be. I am informed there are about seven hundred and fifty men, of which four hundred and twenty were under arms on the day of inspection. On Saturday evening one hundred deserted, and no measures taken to bring them back; a spirit of mutiny seems to pervade the camp.

I shall leave this to-morrow for Geneva, and will take charge of any communication for his Excellency the Governor, or any other you may wish to forward.

With great respect, your obedient servant,  
J. W. LIVINGSTON.

General ALEXANDER SMYTH,  
*Comm'g U. S. Army on the N. Frontier.*

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## No. 23.

Captain Benjamin Wallace to Brigadier General Alexander Smyth.

CAMP, NEAR THE NAVY YARD,  
below Black Rock Nov. 5, 1812.

SIR: If Captain Thomas intends that the boats and scows should be built in any reasonable time, he ought to furnish a sufficient quantity of tools for the men under my command to work with; at present, more than one-half of them have not proper tools to work; narrow axes are much wanted; the augers, chisels, saws, &c., were all to be put in order, and will be of little use for some days. I have selected three men to build a scow, agreeably to my own directions, and to see what time it takes to make one.

I am, sir, with respect,

BENJAMIN WALLACE,

Capt. 5th United States' Infantry.

Brig. Gen. ALEXANDER SMYTH.

## No. 24.

Major General Dearborn to Brigadier General Smyth.

HEADQUARTERS, GREENBUSH,  
November 8, 1812.

SIR: Your letter of the 30th was duly received. I have sent an additional supply of cartridges and stockings. I trust the Pennsylvania militia have joined you. I have sent Colonel Macomb, with upwards of four hundred men, to co-operate with Commodore Chauncey, who has informed me that he shall be ready on the 15th instant to look for and attack the British force on Lake Ontario, and probably attack Kingston, if I should send him a body of troops that he could rely on to aid him. If he should succeed, I have requested him to send a part of his force to Niagara as soon as practicable. I hope you will be ready to strike as soon as he will. A movement will probably be made by that time towards Montreal; and, at the same time, I trust General Harrison will be in operation at Detroit. The campaign may still be closed with success. I shall set off this day for Lake Champlain. If you succeed at Niagara, York and Kingston will demand your early attention. That you may succeed, and cover yourself and the troops under your command with glory, is the ardent wish of your friend and humble servant,

H. DEARBORN.

Brigadier General SMYTH.

## No. 25.

Brigadier General Smyth to Major General Dearborn.

CAMP NEAR BUFFALO, Nov. 9, 1812.

SIR: Colonel McFeely arrived on the 1st inst. with about one hundred and eighty men of the 22d. Captain Archer's company of artillery arrived on the 4th instant; and to-day Col. Brown, with one hundred and ninety infantry; and also the light artillery arrived.

I have sent an officer to meet the Pennsylvanians. He had gone as far as Erie, when I last heard of him, without meeting them. They are

volunteers to supply that State's quota of militia. Can they be forced to cross the line? I am told they will refuse.

One of the Aids of the Governor of New York has been at Schlosser in the capacity of Deputy Adjutant General, making a new organization of the militia there. I caused them to encamp by themselves—not a soldier within ten miles of them. One hundred of them deserted the next night after the Governor's Aid left them.

What most disturbs me is the ill health of the troops. The measles has affected many; and the want of salt meat, of ovens, and exposure to cold—until lately without winter clothing—have produced dysentery and other diseases. Our hospitals are filled with sick and wounded, and new cases of diseases are occurring daily.

Colonel Winder, with the 14th, is coming to this place from Niagara. I shall trust the defence of it to two companies of artillery, and Lieutenant Colonel McFeely's corps of infantry, which will march to-morrow.

The contractors have failed to supply, and I have ordered purchases of provisions for Fort Niagara.

Between the 20th and 30th instant I shall be ready to cross the river with about thirteen hundred regular infantry, three hundred artillery, six hundred volunteers, and seventy cavalry—if you will allow me Captain Morgan's troop. In this estimate is not included the Pennsylvania and New York militia.

Two regiments will proceed, on to-morrow, to commence building huts. If we cannot stay on the other side, we shall have a shelter ready for the sick and wounded.

I have the honor to be, sir, with the highest esteem, your most obedient,

ALEX'R SMYTH, Brig. Gen.

Major General DEARBORN.

P. S.—A District Paymaster, with money, is necessary. The volunteers cannot be retained in service unless paid. Lieutenant Gansevoort, of the artillery, who states that he was appointed District Paymaster, was ordered to Albany more than three weeks since to procure funds. I have heard that he is sick. Colonel Brown's regiment mutinied at Manlius on account of their pay.

## No. 26.

General Smyth conceives the following facts should be known and considered by the Secretary of War:

1. That the 5th regiment, at Utica, on its march, did mutiny for want of their pay.
2. That the 23d regiment, at Manlius, did mutiny on account of their pay, which is still due.
3. That a company of volunteers, at Buffalo, did mutiny on account of their pay and clothing.\*
4. That the Captain of another volunteer company, the best in service, has stated that he believes his men will not cross into Canada without their pay and allowance for clothing.†

\* Phillips's.

† Allison's.

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5. That the Deputy Quartermaster states himself to be without money.

6. That there is no District Paymaster at Niagara supplied with money.

7. That Colonel Winder, commanding at Fort Niagara, reports, "We are literally starving on this end of the line for bread." In consequence of which the Deputy Quartermaster has been ordered to purchase provisions.

8. That eighteen hundred Pennsylvania volunteers will arrive next week.

9. That General Smyth will be ready in fifteen days to cross into Canada.

## No. 27.

*Speech to Indians.*

BROTHERS: I thank you for the tender of your services in the defence of the United States, which you have made, and in their name accept them, in case the troops and the Indians of the British King should invade the United States; which I expect they will not dare to attempt.

It is the desire of your Great Father, the President, that you should take no part in the war between the United States and Great Britain, but remain at peace, and take care of your wives and children.

The British nation is not able to maintain the contest against the United States on this great island, without help. They ask the Indians for help, who have given it, and will be ruined by doing so. We are able to beat the British without help. And, although we understand that you are willing to help us if we ask it, yet we do not ask it. The quarrel is ours, and not yours; and we will fight our own battles.

Brothers: Hold fast the chain of friendship between you and the United States, who are great, powerful, just, and good, and will vanquish all their enemies, and protect all their friends.

## No. 28.

Colonel Winder to Brigadier General Smyth.

CAMP, NEAR NAVY YARD, Nov. 20, 1812.

SIR: I am informed that blankets have been supplied to the brigade for the purpose of making great coats. They are certainly necessary, or some substitute. I presume it would be impossible to make them up now, before a movement

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across the river will take place. I am informed that a quantity of great coats came up from Niagara, and I believe they will never be better disposed of than by distributing them to the soldiers now. The enclosed return, handed you by the Quartermaster of the 14th, will supply my regiment, with what I have already had made. I pray you, therefore, if you deem it not absolutely inadmissible, to order the issue agreeably to the return.

Should you not feel at liberty to order the pea-coats to be issued, we must be satisfied with blankets, and do the best we can under existing circumstances; at all events, as many great coats as are necessary for guard duty may issue as a matter of course. I have drawn returns for either alternative, which the Quartermaster will present you.

I am, very respectfully, sir, &c.

WM. H. WINDER,

Colonel 14th Infantry, U. S. A.

Brig. Gen. A. SMYTH, Commanding.

## No. 29.

Brigadier General Smyth to General Tannehill.

HEADQUARTERS, CAMP NEAR BUFFALO,

November 21, 1812.

SIR: Will you be pleased to ascertain whether there are any companies of your brigade who will refuse to serve the United States in Canada.

I deem it essential that we should know on whom we may rely with confidence.

I am, sir, very respectfully, &c.

ALEXANDER SMYTH,

Brig. Gen. Com'g.

## No. 30.

Brigadier General Tannehill to General Smyth.

CAMP, GRANGER'S FARM, Nov. 22, 1812.

SIR: To enable me to answer your note of yesterday, I convened my field officers in camp. The prevailing opinion appears to be that, if an efficient force can be had to cross into Canada, a very general embarkation of my brigade may be expected; if on the contrary, it is difficult for me to say what number may be calculated on.

I am, with sentiments of respect, &c.

A. TANNEHILL,

Brig. Gen. 1st brigade, Pa. volunteers.

## No. 31.

*Return of the Officers and Privates of the First Brigade of Pennsylvania Volunteers, under the command of Brigadier General Adamson Tannehill, who have volunteered to cross the boundary line into the Province of Upper Canada, to assist in establishing the American standard in that Province.*

Regiments.	Companies and parts of companies.	Officers.	Number of men.	Remarks.
First regiment rifle-men, commanded by Lieut. Colonel Irwin.	Capt. Blue's - -	Captain, lieutenant, and ensign	37	Unconditional.
	Capt. Dean's - -	- - - - -	1	Do.
	Capt. Alter's - -	Captain - - - -	0	Do.
	Capt. McGuire's -	Lieut. and ensign	8	Do.
	Capt. Long's - -	Lieutenant - -	10	Do.
	Capt. Hays's - -	Captain - - - -	22	Do.
	Capt. O'Kes's - -	Lieutenant - -	1	Do.
			79	<i>Recapitulation.</i>
				1 lieutenant colonel,
				2 majors,
				3 captains,
				4 lieutenants,
				2 ensigns,
				1 surgeon,
				79 privates,
				- - - - - 92
Second regiment rifle-men, commanded by Lieutenant Colonel Piper.	Capt. Patterson's	Captain - - - -	45	Provided they are officered, furnished in clothing, arms, &c., as their commander may think necessary.
	Capt. Thompson's	Do. - - - -	39	
	Capt. Sparks's -	Do. - - - -	15	
	Capt. Vance's -	Do. - - - -	25	
	Capt. McGuire's -	Do. - - - -	7	
	Capt. Gibson's -	Do. - - - -	1	
	Capt. Road's - -	Do. - - - -	1	
			133	<i>Recapitulation.</i>
				7 captains,
				133 privates,
				1 lieutenant colonel,
				- - - - - 141
First regiment infantry, commanded by Lieutenant Colonel Snyder.	Capt. Regis's - -	- - - - -	5	Unconditional.
	Capt. Cannon's -	- - - - -	15	Provided they go under their officers.
	Capt. Hunter's -	- - - - -	8	Provided they are commanded by their present officers.
	Capt. Harper's -	- - - - -	2	Unconditional.
	Capt. M'Clintock's	- - - - -	3	Do.
	Capt. Alexander's	- - - - -	2	Do.
			35	- - - - - 35
Second regiment of infantry, commanded by Lieutenant Col. Purviance.	Capt. Cooper's -	Captain, lieutenant, and ensign -	29	Unconditional.
	Capt. Lithgow's -	Do. - - - -	35	Do.
	Capt. Turbitt's -	Do. - - - -	25	Do.
	Capt. Withrow's -	- - - - -	9	Under their own officers.
	Do.	- - - - -	1	To choose his own company.
	Capt. Heron's - -	- - - - -	4	Unconditional.
	Capt. Steuart's -	Captain - - - -	4	Do.
	Capt. Brinker's -	- - - - -	2	Do.
	Capt. Jordan's -	- - - - -	7	Do.
	Capt. Story's - -	Captain and lieutenant. Rev. Mr. Jones.	13	Do.
			129	<i>Recapitulation.</i>
				1 lieutenant colonel,
				2 majors,
				5 captains,
				4 lieutenants,
				3 ensigns,
				1 chaplain,
				129 privates,
				- - - - - 145
				Total - - - 413

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## No. 32.

Paymaster Merchant to Brigadier General Smith.

ALBANY, November 23, 1812.

SIR: Yesterday I received your letter of the 10th instant, I am not now, but daily expect to be, in possession of funds. I have written, about a week since, to Mr. Brent, the Paymaster at Washington, for funds. Since the reception of your letter, I have written again, stating the condition of the volunteers, and also recommending that paymasters be appointed to those regiments that are without them, and that a proportionate number of assistant paymasters be appointed. By this means the regiments and detachments can be regularly paid. I do not know which of the regiments along the frontiers have paymasters. To those regiments that have not, they will, without doubt, be appointed, provided proper persons are selected and named to the Paymaster at Washington, by the Colonels of the respective regiments. In a letter to Lieutenant Gansevoort, Assistant Paymaster, I requested him to notify to the regimental paymasters, to transmit me estimates of such sums as would be wanted to pay off their respective regiments, and that he would himself make an estimate of money that would be required to pay those regiments and detachments that are without paymasters. I trust, sir, that some speedy and efficient provision will be made for the regular payment of the troops along the frontiers.

I am, sir, with sentiments of respect, your obedient servant,

GEORGE MERCHANT,  
District Paymaster, U. S. Army.

Brigadier General A. SMYTH.

## No. 33.

BANKS OF NIAGARA, 8 O'CLOCK AT NIGHT,  
November 25, 1812.

Colonel Winder will pass over to the Canada shore, with the troops who are marched from camp this evening, and superintend the attack of the enemy's batteries and parties, distributing his force in the following manner:

Lieutenant Colonel Boerstler, with the detachment of the 14th regiment, will attack the guard at the bridge opposite the upper point of Stanberry island. Lieutenant Colonel Coles, with the companies of Captain Sangster, Taylor, Myers, and the company, late Branch's, will take the party at the Red House. Major Campbell, with the companies of Captains Buckner, Morgan, Stannard, and Page, will attack the guard house, opposite the lower point of Squaw island. Captain King, and Lieutenant Angus, of the navy, (who is so good as to offer his services, and those of the seamen under his command,) will, with the companies of Captains Wool, Sproul, and Martin, attack the batteries opposite to Black Rock. Captain Bankhead, with the companies of Captains Brooks, Whartenby, Chambers, and Dorman, will attack the enemy's batteries opposite to Fort Gibson.

The parties will support each other, as circumstances may require, and as Colonel Winder may order.

The enemy's guns are to be spiked and dismounted; the bridge rendered impassable, all boats brought off, and as many prisoners as possible taken.

Colonel Winder will bring off his detachment from the Canada shore by daylight to-morrow.

ALEXANDER SMYTH,  
Brigadier General Commanding.

## No. 34.

Colonel Winder to Brigadier General Smith.

NOVEMBER 25, 1812.

SIR: The indisposition of the officers to cross is such, and the real difficulties, for want of a little preparatory arrangement, that I fear the issue will be disgraceful and fatal. I would venture to recommend a delay of the expedition.

Yours,  
WM. H. WINDER,  
Colonel Commanding.

## No. 35.

Major Campbell, field officer of the day, to Brigadier General Alexander Smyth.

CAMP, NIGH BUFFALO, NEW YORK,  
November 27, 1812.

Major Campbell, field officer of the day, reports to Brigadier General Alexander Smyth, commanding the United States' army of the centre, that he has received no guard report from Captain Mills, commanding the guard.

Although it may not be strictly within the province of the officer of the day, yet he has been so forcibly struck with the melancholy and desponding state of the troops, that he feels it a duty which he owes to the friendship of the commanding General to make to him the following statement:

He has received from several Captains reports or statements of the present state of their companies.

Captain Stannard states that when he marched to

Lewistown, he had	-	-	-	-	92
Since that time, he has lost by death	-	-	-	-	10
Desertion	-	-	-	-	2
Sick	-	-	-	-	30
					— 42
					50

Leaving a company of fifty strong. He further states, that many who are not reported sick, are unfit for duty, and that he is sure he will not be able to bring into the field more than thirty men.

Captain Taylor reports that he had ninety-five men. They were the best looking men in the regiment, except Morgan's

-	-	-	-	-	95 men.
He has sick	-	-	-	-	47
Deserted	-	-	-	-	2
Absent without leave	-	-	-	-	1
Unfit for service	-	-	-	-	2



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Dead - - - - -	3
Waiters sick - - - - -	4
	— 59
	—
	36 men.
	—

Five of whom are are waiters, and two of the five are sick, leaving thirty-four men.

Lieutenant Payton states that when they arrived at the present encampment, Captain Branch had eighty-seven able bodied effective men; now they have only thirty-eight, and six waiters, making forty-four. Forty-three, therefore, are either sick or dead.

Captain Morgan arrived here with ninety-nine healthy, strong men, well calculated for fatigue.

Since which have died - - - - -	4
Sick - - - - -	- 28
	—
	32
	—

Leaving sixty-seven for duty. But such is the situation of those reported for duty, that he does not calculate on marching more than fifty men.

Captain Sangster's company is the most healthy. He will probably march seventy or eighty men. Captain Page about thirty. Our regiment will, then, when in the field, be about two hundred and sixty-four strong. From the information of the Surgeon, I am well persuaded none of those reported sick will be able to march.

The Surgeon has now in the hospital tents at camp, about forty men, most of whom he is apprehensive will not survive. The balance of the sick he is obliged to permit to remain in their tents, having no room for them. Some have the measles, others a fever, which is becoming every day more alarming.

The field officer of the day has also taken a view of the hospital tent of the 13th regiment. Five men were lying there dead. He was told they had been dead for twenty-four hours, and were not buried for want of coffins. The sides of the tent had been forced open by the wind, and the sick men were exposed to the weather. He made inquiries as to the state of the companies, and found them more distressing than those of the 12th regiment.

The field officer of the day begs leave to assure the General that he has no view of paralyzing the operations of the army, by making this report at this important period. He will only say, that, on this and every other occasion he will perform his duty.

DAVID CAMPBELL,  
*Major 12th Infantry, &c.*

No. 36.

HEADQUARTERS, CAMP NEAR BUFFALO,  
November 27, 1812.

The men for service in this camp, and those in the vicinity, will cook to-day two days' provision, and have it in their haversacks at retreat.

At reveillee to-morrow, every soldier will put on his knapsack, shoulder his musket, and, pre-

pared for battle, with flints and cartridges, will march to the navy yard, on his way to Canada.

The boats will be ready for the embarkation.

The tents and sick will be left under the care of guards of invalids, until a convenient time.

Friends of your country! Ye who have "the will to do, the heart to dare," the moment ye have wished for has arrived. Think on your country's honors torn; her rights trampled on; her sons enslaved; her infants perishing by the hatchet. Be strong! Be brave! And let the ruffian power of the British King cease on this continent.

ALEX. SMYTH,

*Brigadier General, commanding.*

No. 37.

Brigadier General Smyth to Colonel Winder.

NOVEMBER 27, 1812.

SIR: Captain King will communicate the order for to-morrow. Lieutenant Colonel Boerstler, with the men fit for service of your regiment, will attack the guard at the bridge, take it, demolish the bridge, bring off or dismount any light artillery found, kill the horses, take the boats, and return to our shore.

The Lieutenant Colonel, with his party, having done what is directed at the bridge, may proceed up the coast, his boats ascending the river, to the Red House to support Captain King and Lieutenant Angus, or act according to circumstances.

It is not intended to keep possession. That is not to be attempted.

You will remain on the bank and give directions.

Let the wounded be hid from the public eye to-morrow.

Let a bright look-out be kept to-day, and allow no one to pass the bridge of Conajouaty, towards Tonawanta, except an officer of the army.

Very respectfully, your most obedient servant,

ALEXANDER SMYTH,  
*Brigadier General commanding.*

Copy of an order from Brigadier General Alexander Smyth to Captain King and Lieutenant Angus.

HEADQUARTERS, Nov. 27, 1812.

The detachment under Captain King and Lieutenant Angus will go against the enemy's batteries to-night, and render them useless.

It is not intended they should keep possession; but they will return immediately, bringing off some prisoners, and taking or destroying some light artillery, and killing the horses, if possible.

It is desirable the movement of the detachment, and that under Lieutenant Colonel Boerstler, should be so timed that they might arrive at the same instant.

ALEX. SMYTH,

*Brigadier General commanding.*

No. 38.

Capt. Wm. King to Brigadier General Alex. Smyth.

FORT GEORGE, Nov. 28, 1812.

DEAR GENERAL: At the very moment that the

*Manner in which the War has been conducted.*

boats (probably coming to my relief) made their appearance yesterday morning, Major Ormsby, at the head of the British army, arrived, and halted in front of the house into which I had thrown myself, with an intention to defend it against any force not greatly superior; but, against the troops under his command, it would have been folly to resist, and I surrendered myself and thirty men prisoners.

To Captains Morgan and Sproul, and Lieutenant Houston, (the only three officers who remained with me,) I refer you for an account of my conduct in the attempt on the batteries, as also of the partial success of the enterprise, which, when you receive, and take into consideration that the boats had carried off the implements for spiking the cannon and destroying the gun carriages, I flatter myself you will be convinced I did my duty as far as circumstances rendered it possible.

May I flatter myself you will exchange the prisoners of the forty-ninth I sent over, and which exceeds in number those taken with me, for the men now here, the names of which I enclose you. For myself, I am less interested; but could I be exchanged for the surgeon I sent over, it would be highly gratifying.

By releasing my prisoners, I could have made my escape with all my men; but I deemed the measure I pursued more honorable, and, therefore, adopted it, and flatter myself it meets your approbation.

I received a shot in the foot at the Red House. The wound itself is trifling, but having been obliged to march the greater part of the way from where I was taken to Chippewa, it caused considerable swelling, and to-day is painful. I received a scratch on the cheek, but fear it is not even deep enough to leave a scar.

A trip to Quebec, at this season of the year, under any circumstances, would be extremely disagreeable, but particularly as a prisoner of war; therefore, if possible, negotiate my exchange; but whatever you may do, my dear sir, let the men taken with me be released.

Should any letters come for me, under cover to you, please keep them until you know what is to be my fate.

I am treated with a degree of politeness that entitles the officers of this garrison to my warmest gratitude.

With high esteem, I have the honor to be, your most obedient servant,

WILLIAM KING,  
*Captain 5th Infantry.*

General SMYTH,  
*Commanding the Army of the Centre.*

## No. 39.

Will Colonel Parker be so obliging as to state the number of the force shown by the enemy on Saturday?

It is impossible for Colonel Parker to state the force of the enemy opposite the troops on Satur-

day; but he supposes there were not less than five or six hundred.

## No. 40.

Brigadier General Alexander Smyth to the Commanding Officer at Fort Erie.

NOVEMBER 28, 1812.

SIR: You have seen a part of the hourly increasing force under my command. I propose to you the surrender of Fort Erie, to spare the effusion of blood.

I take this opportunity to assure you that the devastations you have witnessed have been committed by some sailors, not under my authority, and much against my will.

Very respectfully, your most obedient,  
ALEXANDER SMYTH,  
*Brigadier General.*

P. S. I request that Captain King may be sent over on his parole, according to treaty.

The COMMANDING OFFICER at Fort Erie.

## No. 41.

Brigadier General Tannehill to Brigadier General Smyth.

BUFFALO, November 30, 1812.

SIR: I am just informed by Major Mowry that you were told that I did not communicate your orders of yesterday to my brigade. Immediately after receiving them I had directed my Brigade Major to take them to camp, for the information of the brigade, but, in a few minutes after I gave this order, several of the field officers who had been ordered to command the men who had volunteered to cross into Canada, came into my quarters, who each, individually, read the orders. I ordered one of the field officers to the navy yard, to carry that part of your orders respecting the boats, into effect. I beg leave to refer you to Major Douglass for a more minute detail.

I am, with due respect, your obedient servant,  
A. TANNEHILL,  
*Brigadier General.*

Brig. Gen. SMYTH.

## No. 42.

HEADQUARTERS, BLACK ROCK,  
November 30, 1812.

The Deputy Quartermaster will have four days' provisions for 2,500 men at the navy yard, this evening, by four o'clock. The liquor is not to be omitted.

ALEXANDER SMYTH,  
*Brigadier General commanding.*

MONDAY, Nov. 30, 10½ A. M.

The contractor shall be called on. Transportation is in readiness. No delay.

JAMES THOMAS,  
*Deputy Quartermaster.*

*Manner in which the War has been conducted.*

No. 43.

HEADQUARTERS, BLACK ROCK,  
November 30, 1812.

The camp at the plains near Mr. Granger's will be broken. The sick and the camp equipage will be removed to Buffalo.

The Deputy Quartermaster is charged with the execution of this order, and to provide quarters for the sick, whatever may be the expense.

ALEXANDER SMYTH,  
Brigadier General commanding.

No. 44.

Colonel Schuyler to General Smyth.

CAMP NEAR BUFFALO, Dec. 1, 1812.

SIR: In conformity with your desire, communicated to me by the Brigade Major, I have the honor to state that I was not able yesterday morning to parade more than two hundred and fifty men, exclusive of twenty-one men detailed the

preceding night for guard. The number marched to the river was two hundred and seventy-one.

I am, sir, very respectfully, your obedient servant,  
P. P. SCHUYLER,

Gen. SMYTH.

Colonel 13th Inf'try.

No. 45.

CAMP NEAR BUFFALO, Dec. 2, 1812.

There were marched from this encampment, on the morning of the 30th November, 1812, to the river Niagara, the following force, belonging to the consolidated 12th and 20th of United States' infantry, viz:

1 Colonel, 1 Lieutenant Colonel, 1 Major, 1 Adjutant, 1 Surgeon, 4 Captains, 3 First Lieutenants, 6 Second Lieutenants, 3 Ensigns, 12 Sergeants, 21 Corporals, and 181 Privates.

THOMAS PARKER,

Colonel 12th U. S. Infantry.

ROBERT G. HITE,

Adjutant 12th and 20th Infantry.

*Manner in which the War has been conducted.*

No. 46.

*Return of Troops of Fourteenth Regiment, embarked on 29th November, 1812.*

NUMBER OF REGIMENT.				Captains.	First Lieutenants.	Second Lieutenants.	Ensigns.	Sergeants.	Corporals.	Privates.	Total.
FOURTEENTH REGIMENT.—November 29.											
Captain Montgomery's Company	-	-	-	1	1	-	1	3	5	58	
" Kent's ditto	-	-	-	1	-	1	-	2	2	28	
" Sullivan's ditto	-	-	-	1	1	-	1	1	2	42	
" Lane's ditto	-	-	-	1	1	1	-	3	4	60	
				4	3	2	2	9	13	188	221
TWENTY-THIRD REGIMENT.											
Captain Armstrong's Company	-	-	-	1	1	-	-	2	3	24	
" Mills' ditto	-	-	-	1	1	-	-	4	2	21	
" Van Vechten's ditto	-	-	-	1	-	-	1	1	6	10	
				3	2	-	1	7	11	55	79
FOURTEENTH REGIMENT.—December 1.											
Captain Montgomery's Company	-	-	-	-	1	-	1	2	5	46	
" Kent's ditto	-	-	-	1	-	1	-	2	2	20	
" Sullivan's ditto	-	-	-	1	-	-	-	2	1	24	
" Lane's ditto	-	-	-	-	1	1	-	-	2	32	
				2	2	2	1	6	10	122	145
TWENTY-THIRD REGIMENT.											
Captain Armstrong's Company	-	-	-	1	1	-	-	1	2	18	
" Mills' ditto	-	-	-	1	1	-	1	3	2	23	
" Van Vechten's ditto	-	-	-	1	-	-	-	2	3	22	
				3	2	-	1	6	7	63	82

## RECAPITULATION.

November 29, 1812.—Fourteenth Regiment	-	-	-	-	-	-	-	-	-	221
Twenty-third Regiment	-	-	-	-	-	-	-	-	-	79
Total officers and men	-	-	-	-	-	-	-	-	-	300
December 1, 1812.—Fourteenth Regiment	-	-	-	-	-	-	-	-	-	145
Twenty-third Regiment	-	-	-	-	-	-	-	-	-	82
Total officers and men	-	-	-	-	-	-	-	-	-	227

CHAS. G. BOERSTLER, *Lieut. Col. 14th Infantry.*

## Manner in which the War has been conducted.

No. 47.  
Morning Report of a Corps of Artillery, stationed at Black Rock and its vicinity.

ARTILLERY.	PRESENT.																				Total present and absent.	Aggregate present and absent.	Dead since last report.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
	FOR DUTY.													SICK.						Privates, under arrest or confinement.				Officers' waiters.	Total.	Aggregate.	Privates, absent.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
	Colonel.	Adjutant.	Quartermaster.	Surgeon's Mate.	Sergeant Majors.	Quartermaster Sergeants.	Captains.	First Lieutenants.	Second Lieutenants.	Sergeants.	Corporals.	Musicians.	Artificers.	Drum Majors.	Artificers.	Privates.	Adjutant.	Sergeants.	Corporals.									Musicians.	Artificers.	Privates.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
Light Artillery, Field and Staff	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	

NOTE.—Of the above number, ten were employed in taking care of those which could not be taken over.

BUFFALO, December 1, 1812.  
M. V. BOISAUBIN, Adjutant Reg't Light Artillery.

*Manner in which the War has been conducted.*

## No. 49.

*A Return of Men under the command of Lieutenant Colonel McClure, who were embarked on Tuesday, December 1, 1812.*

Captain Allison.—One lieutenant, thirty-nine non-commissioned officers and privates. Total, 40.

Captain Moore.—One captain, one first lieutenant, one second lieutenant, one ensign, ninety-three non-commissioned officers and privates. Total, 97.

Captain Mahar.—One captain, one first lieutenant, one second lieutenant, one ensign, forty non-commissioned officers and privates. Total, 44.

Captain Richardson.—Absent, and all his men.

Captain Tate.—One captain, one lieutenant, six non-commissioned officers and privates. Total, 8.

Captain Walker.—One lieutenant and two privates. Total 3.

Captain Powers.—Not embarked; he, in a short time after, returned for the purpose of embarking.

Captain Dillan.—Not embarked.

Captain Collins.—One captain, one lieutenant, one ensign, forty-seven non-commissioned officers and privates. Total 50.

Captain Philips.—One captain, one lieutenant, one ensign, thirty-seven non-commissioned officers and privates. Total, 40.

Captain Marshall.—One captain, one lieutenant, twelve non-commissioned officers and privates. Total, 14.

Total, 20 commissioned officers,

276 non-commissioned officers and privates.

There are now a great number of men sick and unfit for duty.

FRANCIS McCLURE,  
*Lieutenant Colonel United States' Volunteers.*



## Manner in which the War has been conducted.

No. 50.  
Morning Report of the consolidated twelfth and twentieth regiments of the United States' Infantry, under the command of Col. Thomas Parker.

STATION AND DATE.		PRESENT.														ABSENT.														Dead. [Alterations.]																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
		For duty.														Sick.				Daily duty.		On comm'd. In hos- pital.										Total.	Aggregate.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
Lieutenant Colonel.														Major.	Adjutant.	Quartermaster.	Paymaster.	Surgeon's Mate.	Quartermaster Sergeant.	Captains.	First Lieutenants.	Second Lieutenants.	Boatmen.	Sergeants.	Corporals.	Musicians.	Trailing Music.	Privates.	Colonel.	Sergeant Major.	Captain.			Subalterns.	Sergeants.	Corporals.	Privates.	Aggregate.	Capitans.	Subalterns.	Sergeants.	Corporals.	Privates.	Sergents.	Corporals.	Privates.	Privates in captivity.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
At the Camp near Buffalo, December 5, 1812.		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

I. A. COLES, Lieutenant Colonel 20th, Commanding.

ROBERT G. HITE, Lieutenant and Adjutant, consolidated 12th and 20th Infantry.

*Manner in which the War has been conducted.*

No. 51.

Lieutenant Colonel McFeely to General Smyth.

FORT NIAGARA, Dec. 1, 1812.

SIR: I beg leave to inform you, by Ensign Culverson of my regiment, (who takes charge of six deserters, arrived here this morning from the Canada side, near the Thirty Mile creek,) of the situation of the force here.

By the different reports of this morning, compared with those of several mornings back, I find that there has crept into this garrison a dreadful contagion, which, on an average, carries off between three and five each day.

I have, &amp;c.

GEO. McFEELY,  
Lieut. Col. 22d Infantry.

No. 52.

Colonel Winder to General Smyth.

CAMP CANAJOUATY CREEK,  
December 2, 1812.

SIR: I have understood that the 12th and 20th regiments have obtained permission to retire to the interior, for the purpose of taking up their quarters for the Winter. If a permission of that kind can be granted to any of the corps, I pray you to extend that indulgence to the 14th. They have encountered a series of fatigue and hardship, so greatly beyond that of any other corps, that they not only have a claim to be relieved, but the last eight or ten days have so shattered the regiment, both officers and men, that repose and comfort are absolutely necessary to them.

With respect to myself, if you should deem my services of importance, anywhere, I shall most cheerfully yield them; but I beseech you to permit the balance of the regiment to retire to the interior, where vegetables and other food suited to recruit them can be procured.

I was extremely anxious to visit home this Winter, to have completed the adjustment of my private affairs, upon which, in the event of my death, a family will depend for a very slender pittance. But if objects of public service can be more effectually accomplished by my remaining here, in your judgment, I shall with the utmost cheerfulness devote myself to the accomplishment of your wishes.

What order will be taken with the 23d? I have only understood that they were connected with my command in the field.

I called at General Tannehill's quarters after I saw you, but he was sick in bed, and no meeting had or was to take place so far as I could hear.

I am, &amp;c.

WM. H. WINDER,  
Colonel 14th Infantry.Brig. Gen. ALEX'R SMYTH,  
Commanding Centre Army.

No. 53.

Brigadier General Tannehill to Brigadier General Smyth.

AT MR. WATSON'S, BUFFALO, Dec. 7, 1812.

SIR: I feel happy to inform you that my health

is greatly restored, although not sufficiently so as to venture much out of my quarters. Major Douglass waits on you with an inspection return of my late brigade; respectable a few days since, but now reduced by some unaccountable fatality to less than a single regiment. You will discover, from the return, that the officers, as well as the privates, are infected with the same dishonorable contagion—desertion. I am at a loss how to express my feelings on the present state of our little army.

I am at a loss to know what can, or ought to be done with the brigade staff, field and regimental staff, and company officers, who have become supernumerary. I await your special orders how I am to act on the occasion generally. The expenses have been too great already, without any public benefits arising, and to hold them longer would only be an accumulation of the same evil. I am, with due respect, &c.

A. TANNEHILL, Brig. Gen.

No. 54.

HEADQ'RS, CANTONM'T WILLIAMSVILLE,  
December 8, 1812.

By a return of the brigade of General Tannehill, of Pennsylvania volunteers, it appears that five captains, four lieutenants, eleven ensigns, eighty-three sergeants, eighty-nine corporals, twenty-five musicians, and nine hundred and thirty privates, had revolted and deserted, leaving for duty only two hundred and sixty-seven privates.

In consequence thereof, General Tannehill will be pleased to organize the remaining non-commissioned officers, musicians, and privates, into a battalion, under the command of Major Harriett.

A furlough for the residue of the time for which he has been called into service is granted to Brigadier General Tannehill and his brigade staff.

A furlough for the residue of this month is granted to the field officers of General Tannehill's brigade, except Major Harriett; from the expiration of which furlough they shall be considered as discharged the service of the United States.

HAROLD SMYTH,  
Lieut. 3d artillery and A. D. C.

No. 55.

Probable situation of troops during the Winter, 1812, on the Niagara frontier, liable to vary by discharges, arrivals, and movements.

Buffalo, about	-	-	-	600
Black Rock, about	-	-	-	400
Williamsville, about	-	-	-	1,300
Fort Niagara, about	-	-	-	300
Fort Grey, unknown.				
Total	-	-	-	2,600

No. 56.

Brigadier General Alexander Smyth to the Secretary of War.

WYTHE COURT-HOUSE, Feb. 3, 1813.

SIR: I received from General Dearborn leave

*Manner in which the War has been conducted.*

of absence from the army for seventy-five days, and an order to report myself at the expiration of that time to the Secretary of War. I left the army on the 17th December, and the term will expire on the 1st of March. I have thought proper to inform you, that an order directed to this place will find me, and will be obeyed at any time.

Although I have devoted myself to the service of the United States, and all my official acts have proceeded from an ardent wish to serve them faithfully, yet, not having hitherto succeeded, I would prefer not to appear at Washington until I can deserve the applause of my superiors.

I earnestly request that I may have the same command, during the ensuing campaign, I had last Autumn.

If you deem necessary an inquiry into the charges made against me, of misconduct on the 28th November and 1st December last, I pray that it may be made, and the facts reported.

I have the honor to be, &c.

ALEXANDER SMYTH,  
*Brigadier General.*

Hon. Gen. ARMSTRONG.

No. 57.

Brigadier General Alexander Smyth to the Secretary of War.

WYTHE, May 11, 1813.

SIR: I hope I shall not be considered as troublesome, in requesting that you will cause an answer to be given to the inquiry, whether I am now considered as an officer of the Army of the United States or not?

There may, I conceive, be several constructions of the law of the last session, relative to the General staff of the army, as it may affect myself.

1. That I continue a Brigadier General of the line. 2. That I am an Inspector General, with reduced rank. 3. That my appointment was a mere staff appointment, the rank only brevet rank, and, consequently, my commission as a Colonel of the army unaffected. 4. That my appointment, although a mere staff appointment, vacated my commission as a Colonel in the line, and that, by the late act, I have been legislated out of office.

Rank in the army, I conceive, is either—1. Rank in the line; 2. Brevet rank, or rank in the staff. All rank that confers command is rank in the line. A promotion in the staff does not take away rank in the line. A promotion that takes away rank in the line must confer rank in the line. An officer commissioned with the rank of a Brigadier General, is an officer in the line. General Greene, Quartermaster General, commanded as an officer of the line. General Steuben, Inspector General, did also. General Hamilton, Inspector General, commanded the whole army.

The late act relative to the army staff expressly provides that the Quartermaster General shall have only brevet rank. It has the expression, "as heretofore;" but this can have no retrospective operation. It cannot make the rank held by

General Hamilton mere brevet rank. I have commanded, and been fully recognised by my superiors as an officer in the line. (See sixty-second article Rules and Articles of War.)

I have the honor to be, &c.

ALEXANDER SMYTH.

Hon. J. ARMSTRONG, *Sec'y of War.*

No. 58.

Extract of a letter from Mr. Robert Smith, printer, of Pittsburg, to General Smyth, dated

APRIL 3, 1813.

"There is a number of cases combined against you, I am satisfied, that prevented you from acting. 1st. The season was gone to, in the Winter. Had you have gone over you must have been defeated. They had collected all their force at this point; was stronger than you could have calculated. You have done better by acting the part—saving the troops for the Summer campaign. One thing, they and the officers will be better trained; will act better with raw troops, who come forward the present Summer."

No. 59.

Certificate of Lieutenant John G. Camp.

I do certify that, for several days together, I was unable to procure either flour or whiskey from the contractor, and from the 25th October till 15th December, I was unable to procure salt meat more than once or twice, notwithstanding a general order requiring salt provisions three days in a week. Soap, the contractor has been very deficient in, so much that there has been upwards of three hundred pounds due to the 12th and 20th infantry at a time, not being able to get it. The kidney and suet has almost invariably been taken out before the beef was issued, and in no one instance have I been able to procure any vinegar in kind. In a word, the contractor has never issued a complete ration to the 12th or 20th regiment since the 25th December; from which time I have been acting a Quartermaster.

Given under my hand, at Williamsville, this 1st February, 1813.

JOHN G. CAMP,  
*First Lieutenant, &c.*

No. 60.

Copies, extracts, and memorandums, relative to the purchase of provisions.

October 24th.—Required of the contractor a deposit of two months' provisions (besides the current issues) for three thousand men, at or within a mile of the encampment at Mr. Granger's; and of two months' provisions for five hundred men (besides the current issues) at Fort Niagara. To be done without the delay of a moment.

Col. Winder to Gen. Smyth, 7th November, 1812.

"We are literally starving on this end of the line for bread, and, unless the supply is more

*Manner in which the War has been conducted.*

abundant, the contractors will be answerable for consequences more fatal to their country than treason."

*November 8th.*—Notified General P. B. Porter of the above, and ordered the Deputy Quartermaster to purchase two months' provisions for Fort Niagara, in ten days, for five hundred men.

*November 22d.*—The requisition of October 24th not being complied with, ordered the Deputy Quartermaster to purchase flour for five thousand troops, for two months, and deposite it at or near Buffalo.

Major Armistead to General Smyth, dated 22d November, 1812.

"But my greatest concern is the want of provisions, which, if not supplied, we will inevitably have to evacuate the post." (Meaning Fort Niagara.)

*November 24th.*—Required rations for two thousand five hundred men, for four days, at the navy yard.

Captain Thomas, Deputy Quartermaster, to General Smyth, dated Nov, 30, 1812, 10 o'clock, P. M.

"Immediately on the receipt of your order of this morning, for the furnishing of provisions at the navy yard this evening, I called on the contractor, who furnished me the pork and whiskey required; thirty-five barrels of flour were all I could obtain, which is deposited at the navy yard."

N. B.—Quantity required: ten barrels whiskey; thirty-eight ditto pork; sixty ditto flour.

General Tannehill to General Smyth, Dec. 1, 1812.

"There is a complaint by the regimental quartermasters that there is no flour to be drawn."

No. 61 a.

Brigadier General Smyth to General Peter B. Porter.  
HEADQUARTERS ARMY OF THE CENTRE,  
Near Buffalo, October 24, 1812.

SIR: Having the command of the army of the United States on this frontier, it becomes my duty to require of you a deposite of provision for three thousand men for two months, (beside the current issues,) to be made within a mile of my present encampment; and a deposite of provisions for five hundred men, for two months, (beside the current issues,) to be made at Fort Niagara.

This is required to be done without the delay of a moment.

I am, sir, respectfully, your most obedient,  
ALEXANDER SMYTH,  
Brigadier General Commanding.

The CONTRACTOR, &c.

A true copy. JAS. BANKHEAD,  
Captain and Brigade Major.

No. 61 b.

Colonel W. H. Winder to Brigadier General Smyth.  
FORT NIAGARA, Nov. 7, 1812.

SIR: I wrote you yesterday at considerable

length by Quartermaster Allison. Major Armistead deems it necessary to go to Black Rock, to present to you his ideas of this place in a military point of view.

The Major apprehends that there is risk of enterprise against this place from the other side, and that there is danger of its succeeding, if attempted where the infantry are withdrawn; my opinion, you will recollect, has been, that the enemy would not attempt anything against this end of the line; I am still of the same opinion. How far he might succeed, if he attempted it, would depend upon the force he employed, and the courage and firmness of the resistance here. My practical knowledge of the defence of fortified places does not enable me to form an opinion upon the subject which would be entitled to much weight. Major Armistead is informed of my views of this place as detailed in my letter of the 17th October; but his views are derived more probably from his professional knowledge and skill than from general considerations.

My own opinion is, that a successful effort on any part of the line will be a protection to this place equal to that of any force which might be thrown in here; because I believe the enemy, so far from thinking of attacking us, is exerting every nerve to evade a blow which they dread from us.

Three vessels are just arriving, one was here before; it is not yet perceived that they bring any force.

We are literally starving on this end of the line for bread; and, unless the supply is more abundant, the contractors will be answerable for consequences more fatal to their country than treason.

I am, with very great respect, sir, your obedient servant,

W. H. WINDER,  
Colonel Commanding.

Brigadier General SMYTH,  
Commanding Centre Army.

No. 61 c.

Brigadier General Alexander Smyth to Capt. Thomas,  
Deputy Quartermaster.

HEADQUARTERS, CAMP NEAR BUFFALO,  
November 8, 1812.

SIR: You will proceed, on the day on which you receive this order, to purchase provisions for Fort Niagara; into which, within ten days, you will deliver rations for five hundred men for two months.

Be pleased to consider this order as one of the most peremptory kind. Fort Niagara, if invested a week, must surrender from hunger.

Very respectfully, your most obedient,  
ALEXANDER SMYTH,  
Brigadier General Commanding.  
Captain THOMAS, Deputy Quartermaster.

A true copy. JAS. BANKHEAD,  
Captain and Brigade Major.

*Trial of General Hull.*

No. 61 d.

Brigadier General Smyth to General Peter B. Porter.

CAMP NEAR BUFFALO, Nov. 8, 1812.

SIR: I have just received, from the commanding officer of Fort Niagara, a letter, in which he says: "We are literally starving on this end of the line for bread; and, unless the supply is more abundant, the contractors will be answerable for consequences more fatal to their country than treason."

Very respectfully, your most obedient,

ALEXANDER SMYTH,

*Brigadier General Commanding.*

General P. B. PORTER.

A true copy.

JAS. BANKHEAD,

*Captain and Brigade Major.*

No. 61 e.

Brigadier General Smyth to Captain Thomas, Deputy Quartermaster.

HEADQUARTERS, CAMP NEAR BUFFALO,

November 22, 1812.

SIR: You will proceed to purchase immediately, and deposite at or near Buffalo, flour for five thousand troops for two months, besides the current issues.

Respectfully, your most obedient,

ALEXANDER SMYTH,

*Brigadier General Commanding.*

P. S.—You are not to hesitate about price.

Capt. THOMAS, Deputy Q M.

A true copy.

HAROLD SMYTH,

*Lieutenant Third Artillery.*

No. 61 f.

Major Armistead to Brigadier General Smyth.

LEWISTOWN, Nov. 22, 1812.

SIR: I left Niagara with the intention of seeing you, but finding my horse not able to proceed, I have declined going. My business was to get, if possible, some ammunition for the garrison, as we nearly expended all we had yesterday, and which did the enemy great damage—destroyed one of their best buildings, and did the town considerable damage; sunk a schooner that was sent out of Genesee river, and dismounted several of their guns.

It gives me extreme pleasure to inform you that the officers behaved themselves with the greatest degree of bravery. Captain Leonard was as conspicuous as to coolness and attention as I have ever seen. We, on our part, lost five men—three from the bursting of a gun, and two from the enemy's fire; several wounded from careless loading. If possible, dear sir, send on ammunition for eighteen and six pounders, and fours; but my greatest concern is the want of provisions, which, if not supplied, we will inevitably have to evacuate the post.

I am, sir, your obedient servant,

W. K. ARMISTEAD.

General ALEXANDER SMYTH.

No. 61 g.

Deputy Quartermaster James Thomas to Brigadier General Smyth.

CAMP AT BLACK ROCK,

November 30, 1812.

SIR: Immediately on the receipt of your order of this morning for the furnishing "of provisions at the navy yard, this evening," I called on the contractor, who furnished me the pork and whiskey required. Thirty-five barrels of flour was all I could obtain, which is deposited at the navy yard.

Yours, respectfully,

JAMES THOMAS, D. Q. M.

General ALEXANDER SMYTH.

N. B.—Quantity required: 10 barrels whiskey, 38 barrels pork, and 60 barrels flour.

No. 61 h

Brigadier General A. Tannehill to Brigadier General Smyth.

BUFFALO, December 1, 1812.

SIR: Agreeably to your note of yesterday, I have convened the commanding officers of my brigade, and consulted them on the posts you denominated for my command—either Buffalo, Schlosser, or Niagara; the result has been the choice of cantonment near Buffalo. I have directed the Quartermaster of the brigade, with the assistance of five officers, to examine for situation, &c., which I expect will be near our present encampment. Your approbation to this choice will relieve my men from much fatigue of marching to a more distant place, as also from an inclement season.

There is a complaint by the regimental Quartermasters that there is no flour to be drawn.

I am, sir, with much respect, your humble servant,

A. TANNEHILL,

*Brigadier General 1st Brigade.**Pennsylvania Volunteers.*

General ALEXANDER SMYTH.

## TRIAL OF BRIGADIER GENERAL HULL.

ADJUTANT AND INSPECTOR GEN'S OFFICE,  
Washington, April 25, 1814.

## GENERAL ORDER.

The proceedings of the court martial, in the case of William Hull, Brigadier General in the Army of the United States, having been submitted to the President of the United States, and having been approved by him, the following extract therefrom is ordered to be read at the head of each regiment of the army, and to be published in the National Intelligencer of this city.

By order:

J. B. WALBACH,

*Adjutant General.*

*Trial of General Hull.*

*At a General Court Martial (ordered by the President of the United States) convened at Albany, in the State of New York, on the third day of January, one thousand eight hundred and fourteen, and continued, by adjournments, to the twenty-fifth day of March following, Brigadier General William Hull, of the Army of the United States, was tried on the following charges and specifications, viz:*

## CHARGE I.

Treason against the United States, between the ninth of April and the seventeenth of August, one thousand eight hundred and twelve.

*First specification.*—In this: That on the first day of July, in the year one thousand eight hundred and twelve, before that time and ever since, an open and public war was, and is yet, carried on and prosecuted by and between the United States of America and their Territories, and the United Kingdom of Great Britain and Ireland, and the dependencies thereof: and that William Hull, a Brigadier General in the Army of the said United States, a citizen of the said United States, owing allegiance to the said United States, and late Commander of the Northwestern Army of the said United States, well knowing the premises, and traitorously and unlawfully designing and contriving to send and convey intelligence to the said enemies of the said United States, touching a declaration of war by the said United States, against the said United Kingdom of Great Britain and Ireland, and the dependencies thereof; and also touching the expedition on which the said Northwestern army under his command, as aforesaid, was employed; and also touching the numbers, state, and condition of the said Northwestern army; in prosecution of the said traitorous and unlawful design, on the said first day of July, in the year aforesaid, at the rapids of the river Miami of the lake, in the Territory of Michigan, the said William Hull (then and there being a Brigadier General in the Army of the United States, and being then and there commander of the said Northwestern army as aforesaid) did traitorously hire or cause to be hired, an unarmed vessel, with the pretended purpose of transporting therein certain sick soldiers, and the principal part of the hospital stores belonging to the said Northwestern army, from the said rapids of the river Miami of the lake, to Detroit in the said Territory of Michigan, but, in truth, traitorously contriving and intending that the said unarmed vessel, together with all persons, papers, and things put on board thereof, should be captured by the enemies of the said United States, on the passage of the said unarmed vessel from the said rapids of the river Miami of the lake, to Detroit aforesaid, in the Territory of Michigan aforesaid; and that the said William Hull, in further prosecution of his said traitorous and unlawful design and contrivance, (being then and there a Brigadier General in the Army of the United States as aforesaid, and being then and there commander of the said Northwestern army as aforesaid,) did then and there traitorously put, or traitorously cause to be put on board

of the said unarmed vessel, a trunk, containing (among other things) the official correspondence of the Secretary of the Department of War and the said Brigadier General William Hull, as well touching the expedition on which the said Northwestern army under his command as aforesaid was then employed, as touching a declaration of war by the said United States against the said United Kingdom of Great Britain and Ireland and the dependencies thereof, and also certain official muster-rolls, reports, and returns of the numbers, state and condition of the said Northwestern army under his command as aforesaid: and that afterwards, to wit, on the second day of July, in the year aforesaid, the said vessel so as aforesaid traitorously hired or traitorously caused to be hired, by the said Brigadier General William Hull, on its passage from the said rapids of the river Miami of the lake to Detroit aforesaid, was captured by the said enemies of the United States, having on board thereof, at the time of the said capture, the said trunk containing the said official correspondence, as well touching the said expedition, as the said declaration of war, and the said official muster-rolls, reports and returns of the numbers, state and condition of the said Northwestern army—together with certain sick soldiers, and the principal part of the hospital stores belonging to the said Northwestern army—and by means of the said capture, and in fulfilment of the said traitorous and unlawful design, contrivance, and intentment of the said Brigadier General William Hull, the said official correspondence, as well touching the said expedition, as the said declaration of war, and the said official muster-rolls, reports, and returns of the numbers, state and condition of the said Northwestern Army—together with certain sick soldiers, and the principal part of the hospital stores of the said Northwestern army—came to the possession, knowledge, and use of the enemies of the said United States; giving information and intelligence to the enemies of the said United States, as well touching the said expedition as touching the said declaration of war; and also touching the numbers, state, and condition of the said Northwestern army of the said United States, then and there under the command of the said Brigadier General William Hull as aforesaid; whereby the said William Hull, on the first day of July, in the year aforesaid, at the rapids of the river Miami of the lake aforesaid, in the Territory of Michigan aforesaid, (being then and there a Brigadier General in the Army of the United States, and being then and there commander of the said Northwestern army as aforesaid, and being then and there a citizen of the said United States, owing allegiance to the said United States) did then and there traitorously and unlawfully hold correspondence with and give intelligence to the enemy, and did then and there traitorously, by the means aforesaid, adhere to the enemies of the said United States, giving them aid and comfort.

*Second specification.*—And also in this: That afterwards and during the said war, so as aforesaid carried on and prosecuted by and between



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the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, the said Northwestern army of the said United States, under the command of the said Brigadier General William Hull as aforesaid, having entered the said British province of Upper Canada, and having established a military post at or near Sandwich, in the said British province of Upper Canada, which it was the duty of the said Brigadier General William Hull to maintain and defend, in order that the said war might and should be advantageously carried on and prosecuted, on behalf of the said United States, and more especially that a certain British fort called Malden, otherwise called Amherstburg, in the said British province of Upper Canada, occupied by the enemies of the said United States, might and should be advantageously attacked and taken by the said Northwestern army of the said United States, under the command of the said Brigadier General William Hull as aforesaid, yet the said William Hull, (a Brigadier General in the Army of the said United States, a citizen of the said United States, owing allegiance to the United States, and commander of the said Northwestern army of the said United States as aforesaid,) well knowing the premises, on the eighth day of August, in the year one thousand eight hundred and twelve, at Sandwich aforesaid, in the British province of Upper Canada aforesaid, did then and there traitorously and unlawfully conspire and combine with certain enemies of the said United States, (whose names are unknown,) to quit and abandon to the enemies of the said United States the said military post established by the said Northwestern army of the said United States, at or near Sandwich aforesaid, in the British province of Upper Canada aforesaid, and to prevent the said British fort called Malden, otherwise called Amherstburg, from being attacked and reduced, or an attempt being made to reduce the same, by the said Northwestern army of the said United States, under the command of the said Brigadier General William Hull as aforesaid; and that the said William Hull (then and there a Brigadier General in the Army of the said United States, then and there being commander of the said Northwestern army of the said United States, and then and there being a citizen of the said United States, owing allegiance to the said United States) in prosecution of the said traitorous conspiracy and combination, did then and there traitorously quit and abandon, and did then and there traitorously cause to be quitted and abandoned, the said military post established by the said Northwestern army of the said United States as aforesaid, at or near Sandwich as aforesaid, in the British province of Upper Canada aforesaid, and did then and there traitorously neglect and omit to make the proper preparations for attacking and reducing, or attempting to reduce the said British fort called Malden, otherwise called Amherstburg, but on the contrary did then and there traitorously prevent the same from being attacked and reduced, and an attempt being made

to reduce the same by the said Northwestern army of the said United States, then and there under his command as aforesaid; and in further prosecution of the said traitorous conspiracy and combination, did then and there traitorously march, withdraw, and remove, and traitorously order to be marched, withdrawn and removed, the main body of the said Northwestern army of the said United States, from the said military post established by the said Northwestern army of the said United States, at or near Sandwich aforesaid, to a place out of the said British province of Upper Canada, to wit: to Detroit aforesaid, in the Territory of Michigan aforesaid; whereby the said William Hull, on the said eighth day of August, in the year one thousand eight hundred and twelve aforesaid, at Sandwich aforesaid, in the said British province of Upper Canada, (being then and there a Brigadier General in the Army of the said United States, and being then and there commander of the said Northwestern army of the said United States, and being then and there a citizen of the said United States, owing allegiance to the said United States) did then and there traitorously conspire, combine, and hold correspondence with the enemies of the said United States, and did then and there traitorously and shamefully quit and abandon, and traitorously and shamefully cause to be quitted and abandoned, the said military post, so as aforesaid established by the said Northwestern army of the said United States, at or near Sandwich aforesaid, in the British province of Upper Canada aforesaid, and did then and there traitorously neglect and omit to make the proper preparations for attacking and reducing, or attempting to reduce the said fort called Malden, otherwise called Amherstburg, in the said British province of Upper Canada, but did then and there traitorously prevent the said British fort called Malden, otherwise called Amherstburg, in the said British province of Upper Canada, from being attacked and reduced, or an attempt being made to reduce the same by the said Northwestern army of the said United States, under his command as aforesaid; and by the means aforesaid, did then and there traitorously adhere to the enemies of the said United States, giving them aid and comfort.

*Third specification.*—And, also, in this: That afterwards and during the said war so as aforesaid carried on and prosecuted, by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, to wit: on the sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid, at Detroit, in the Michigan Territory aforesaid, the said William Hull was then and there a citizen of the said United States, owing allegiance to the said United States, and was then and there a Brigadier General in the Army of the said United States, and was then and there commander of the Northwestern army of the United States, and was then and there commander of a certain fort, called Fort Detroit, and belonging to the said United States, erected at or near the town of Detroit, upon a bank of the river Detroit, in the

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said Territory of Michigan; the works whereof, and the guns and gun-carriages belonging thereto, then were, and long before had been decayed, dilapidated, and out of repair. And that the said Brigadier General William Hull, then and there did traitorously conspire and combine with certain enemies of the said United States, (whose names are unknown,) then and there traitorously and shamefully to surrender and abandon to the enemies of the said United States, the said fort, called Fort Detroit, belonging to the said United States, as aforesaid, and then and there, under the command of the said Brigadier General William Hull as aforesaid, with all the troops, regulars as well as militia, then and there under the command of the said Brigadier General Hull as aforesaid, and all the public stores and arms, and all public documents, including everything else of a public nature, appertaining to the said fort, called Fort Detroit, and to the said Northwestern army of the said United States, under the command of the said Brigadier General William Hull as aforesaid. And that in prosecution of the said traitorous conspiracy and combination, the said Brigadier General William Hull did then and there wilfully and traitorously neglect and omit to repair and strengthen the works of the said fort, called Fort Detroit, then and there under his command as aforesaid, and to put the same, (together with the said guns and gun-carriages belonging thereto) into a proper state and condition for resistance and defence against the approaches, attacks, and assaults of the enemies of the said United States. And did then and there wilfully and traitorously neglect and omit to fortify the places and passes at and near to the said fort, called Fort Detroit, by and through which the troops of the enemies of the said United States might then and there reasonably be expected to approach, and did approach, the said fort, called Fort Detroit, for the purpose of attacking and subduing the same. And did then and there traitorously neglect and omit to oppose, resist, repel, and defeat, and to attempt to repel and defeat the troops of the enemies of the said United States, in their hostile preparations, and approach to and towards the said fort, called Fort Detroit, for the purpose of attacking and subduing the same. And that, in further prosecution and completion of the said traitorous conspiracy and combination, the said Brigadier General William Hull did then and there traitorously and shamefully abandon and surrender the said fort, called Fort Detroit, then and there under his command as aforesaid, (which it was his duty then and there to maintain and defend,) together with all the troops, regulars as well as militia, then and there in the said fort, called Fort Detroit, then and there belonging to the said United States as aforesaid, and then and there under his command as aforesaid, and all the public stores and arms, and public documents, including everything else of a public nature, in and appertaining to the said fort, called Fort Detroit, and to the said Northwestern army of the said United States, then and there under his command as aforesaid, unto the enemies of the said United States,

to wit: to the British forces then and there under the command of Major General Brock; whereby the said William Hull, on the said sixteenth day of August, in the year one thousand eight hundred and twelve, aforesaid, at Detroit aforesaid, in the Territory of Michigan aforesaid, (being then and there a citizen of the said United States, owing allegiance to the said United States, and being then and there a Brigadier General in the Army of the said United States, and being then and there commander of the said Northwestern army of the said United States, and being then and there commander of the said fort, called Fort Detroit, belonging to the said United States as aforesaid,) did then and there traitorously and shamefully abandon and surrender the said fort, called Fort Detroit, to the enemies of the said United States, to wit: to the said British troops under the command of Major General Brock, as aforesaid; and did then and there by the means aforesaid traitorously adhere to the enemies of the said United States, giving them aid and comfort.

## CHARGE II.

Cowardice at and in the neighborhood of Detroit, between the first day of July and the seventeenth day of August, in the year one thousand eight hundred and twelve.

*First specification.*—In this: That during the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, the said Brigadier General William Hull, commanding the Northwestern army of the said United States as aforesaid, having entered the said British province of Upper Canada, in prosecution of the said war on behalf of the said United States, and being there in possession of the town of Sandwich and the adjacent country, in the name and on behalf of the said United States, and having declared and avowed the object and intention of attacking and subduing the British fort called Malden, otherwise called Amherstburg, in the said British province of Upper Canada, and, generally, of maintaining and enlarging his position and possession in the said British province of Upper Canada, on the eighth day of August, in the year one thousand eight hundred and twelve, at Sandwich aforesaid, in the British province of Upper Canada aforesaid, did then and there misbehave himself before the enemy, and shamefully manifest an undue fear, and apprehension of danger, by a course of conduct and conversation evincing personal alarm, agitation of mind and privation of judgment, by abandoning the said object and design of attacking the said British fort called Malden, otherwise called Amherstburg, by quitting the position and possession taken at the town of Sandwich and in the adjacent country, in the British province of Upper Canada as aforesaid, and by retreating abruptly from and out of the said British province of Upper Canada to Detroit, in the Territory of Michigan aforesaid, without any cause for so doing, arising from the superior numbers, state, and

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condition of the British forces which were then and there opposed to the said Army of the said United States, under the command of the said Brigadier General William Hull, and without any other just and sufficient cause whatsoever; whereby the officers and soldiers of the said Northwestern army of the said United States then and there under the command of the said Brigadier General William Hull, were induced to lose and did lose all confidence in the personal courage and military capacity of their said commander; the inhabitants of the said British province of Upper Canada were taught to distrust the power and professions of the invading General; a shade was cast upon the reputation of the American arms; and the service of the said United States, in the prosecution of the said war, suffered great detriment and disadvantage.

*Second specification.*—And, also, in this: That during the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, to wit: on the fifteenth day of August, in the year one thousand eight hundred and twelve aforesaid, the enemy having raised certain batteries on the banks of the said river Detroit, in the said British province of Upper Canada, opposite the said fort Detroit, and certain American posts and batteries established and erected near the said fort Detroit, in the said Territory of Michigan, and a cannonade being commenced from the said batteries of the enemy against and upon the said fort Detroit and the said American posts and batteries established and erected near thereto, in the said Territory of Michigan, the said Brigadier General William Hull, on the said fifteenth day of August, in the year one thousand eight hundred and twelve aforesaid, at Detroit aforesaid, in the Territory of Michigan aforesaid, (being then and there commander of the said fort Detroit, and of the said American posts and batteries established and erected near thereto, in the said Territory of Michigan, and being then and there commander of the said northwestern army of the said United States,) did then and there, during the continuance of the cannonade aforesaid, shamefully misbehave himself before the enemy, and manifest great fear and apprehension of personal danger, by a course of conduct and conversation evincing personal alarm, agitation of mind, and privation of judgment, and particularly by various timid and cowardly actions and expressions then and there used and uttered in the presence of the officers and soldiers then and there belonging to the said Northwestern army of the said United States, and then and there under his command as aforesaid, as well in the public streets of the town of Detroit as in places adjacent to the said fort of Detroit, and the said American posts and batteries established and erected near thereto, in the said Territory of Michigan; whereby, a fatal encouragement was afforded for the hostile enterprises of the enemy, a pernicious example (calculated to intimidate and to disorganize) was

given to the American troops, and the service of the United States, in the prosecution of the said war, was exposed to hazard, shame, and disappointment.

*Third specification.*—And, also, in this: That during the said war, carried on and prosecuted by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, to wit: on the sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid, the British forces under the command of Major General Brock having crossed the said river Detroit, having landed at a place called Spring Wells, otherwise called Spring Hill, in the said Territory of Michigan, and having thence marched towards the said fort of Detroit with the design to attack the same, the said Brigadier General Hull, on the said sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid, at Detroit aforesaid, in the said Territory of Michigan, (being then and there commander of the said fort of Detroit, and being then and there commander of the said Northwestern army of the said United States,) did then and there, during all the time of the enemy's crossing the said river Detroit as aforesaid, landing at the said Spring Wells, otherwise called Spring Hill as aforesaid, and marching towards the said Fort Detroit as aforesaid, with the design to attack the same as aforesaid, shamefully misbehave himself before the enemy, and manifest great fear and apprehension of personal danger, by various timid and cowardly actions and expressions then and there used and uttered in the presence of the officers and soldiers belonging to the said Northwestern army of the said United States, then and there under his command as aforesaid; by avoiding all personal danger from making an attempt to prevent the enemy's crossing the said river Detroit and landing at the said Spring Wells, otherwise called Spring Hill; by avoiding all personal danger from reconnoitering and encountering the enemy in battle on the said march of the enemy towards the said fort of Detroit; by hastily sending flags of truce to the enemy, with overtures for a capitulation; by anxiously withdrawing his person from the American troops in the open field to a place of comparative safety, within the walls of the said Fort Detroit; by an irresolute fluctuation of orders, sometimes inconsistent with each other, and sometimes incoherent in themselves; by forbidding the American artillery to fire on the army on the said march of the enemy towards the said Fort Detroit; by calling the American troops from the field, and crowding them in the said Fort Detroit, while the enemy was on the said march towards the said Fort Detroit; by a precipitate declaration to the enemy that he surrendered the said Fort Detroit and the said Northwestern army of the said United States before terms of capitulation were signed or considered, or even suggested; and, generally, by a course of conduct and conversation evincing personal fear, agitation of mind, and priva-

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tion of judgment; whereby the said fort of Detroit, and the said Northwestern army of the said United States, then and there under the command of the said Brigadier General William Hull, were then and there rendered an easy and certain conquest to the approaching enemy; the officers and soldiers of a gallant army (compelled by the obligations of military law to obey the orders of their commander) were exposed to unmerited mortification and reproach; and the service of the said United States, in the prosecution of the said war, suffered great detriment and discredit.

*Fourth specification.*—And, also, in this: That during the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, to wit: on the sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid, at Detroit aforesaid, in the Territory of Michigan aforesaid, the said Fort Detroit being then and there well garrisoned and supplied with cannon, ammunition, and provisions; the said Northwestern army of the said United States being then and there well supplied with arms, ammunition, and provisions; and the officers and soldiers thereof being then and there in high spirits, and eager to meet and encounter the enemy in battle; and a fine train of artillery being then and there subject to the orders and disposal of the said Brigadier General Hull, for the purpose of defence or attack, yet the said Brigadier General William Hull, (then and there being commander of the said fort of Detroit, and of the said Northwestern army of the said United States,) acting upon the impulse of personal fear and apprehension, and contemplating, as the means of personal safety, a shameful abandonment and the surrender of the said Fort Detroit, and of the said Northwestern army of the said United States, under his command as aforesaid, to the approaching enemy, did then and there shamefully misbehave himself before the enemy, and did then and there enter into a disgraceful capitulation with the enemy, containing no consolatory stipulation that the said garrison and army should march out of the said fort of Detroit with the honors of war; no just and humane stipulation for the security and protection of such of the inhabitants of the said British province of Upper Canada as had accepted the said Brigadier General William Hull's invitation to join the American standard; nor any reasonable stipulation for an opportunity of reporting to the Secretary for the Department of War the circumstances of so unexpected and so important an event; and did then and there shamefully abandon, surrender, and give up the said fort of Detroit, together with all the troops, regulars as well as militia, then and there under his command as aforesaid, and all the public stores and arms, and all the public documents, including everything else of a public nature belonging to the said fort of Detroit, and to the said North-

western army of the said United States, then and there under his command as aforesaid, to the said approaching enemy, to wit: to the British forces under the command of Major General Brock, without any cause for so doing, arising from the superior numbers, state, and condition of the said British forces; or from the actual want, or just expectation of sudden want, of arms, ammunition, and provisions for the said Fort Detroit, and the said Northwestern army of the said United States, and without any other adequate cause whatsoever; whereby the territorial sovereignty, rights, and property of the said United States were shamefully ceded to the enemy; a brave and patriotic army was wantonly sacrificed by the personal fears of the commander; and the service of the said United States, in the prosecution of the said war, suffered a great and afflicting loss.

## CHARGE III.

Neglect of duty and unofficerlike conduct, while commanding a separate army, between the ninth of April and the seventeenth of August, in the year one thousand eight hundred and twelve.

*First specification.*—In this: That before and during the said war, carried on and prosecuted as aforesaid, by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said Brigadier General William Hull, being duly appointed to command the Northwestern army of the said United States, did actually take and assume the command of the said army, on or about the twenty-fifth day of May, in the year one thousand eight hundred and twelve, at or near Dayton, in the State of Ohio, and did thence constantly continue in the actual command of the said army, as well on the march from Dayton aforesaid, to Detroit, in the Territory of Michigan, and at Detroit aforesaid, as in the British province of Upper Canada, until his capitulation with the enemy, and the consequent surrender of Fort Detroit, in the said Michigan Territory, with all the troops, regulars, and militia under his command, to the British forces under the command of Major General Brock, to wit: at Detroit aforesaid, in the Territory of Michigan aforesaid, on the sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid. And that the said Brigadier General William Hull, unmindful of the important trust reposed in him, during all the time aforesaid, and as well on the march of the said army from Dayton aforesaid, to Detroit aforesaid, and at Detroit aforesaid, as in the British province of Upper Canada aforesaid, was guilty of neglect of duty and of unofficerlike conduct, by neglecting and omitting, with sufficient care and frequency, to inspect, train, exercise, review, and order, and to cause to be inspected, trained, exercised, reviewed, and ordered, the said army under his command as aforesaid; and, also, by neglecting and omitting, in due form and time, to prepare an order of battle, and to make the same known to the said army on the march from Dayton aforesaid, to Detroit aforesaid, in the Michigan

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Territory aforesaid, whereby the discipline of the troops under the command of the said Brigadier General William Hull as aforesaid, was in danger of being relaxed; their comfort was liable to be impaired; their confidence in the military skill and dispositions of their commander was diminished; and the said army was exposed to the hazard of disorder and defeat in the event of an attack being made thereon by the enemy.

*Second specification.*—And also in this: That during the said war, so as aforesaid carried on and prosecuted by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, to wit: on or about the first day of July, in the year one thousand eight hundred and twelve aforesaid, at the rapids of the river Miami, in the Territory of Michigan, the said Brigadier General William Hull, then and there commanding the said Northwestern army of the said United States, on the march thereof from Dayton, in the State of Ohio, to Detroit aforesaid, in the Territory of Michigan aforesaid, then and there having sufficient cause to know or to believe that war then existed between the said United States and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, was guilty of neglect of duty and of unofficerlike conduct, by then and there hiring, or causing to be hired, an unarmed vessel, and putting, or causing to be put, on board thereof, to be transported by water-passage from the said rapids of the river Miami, of the lake, to Detroit aforesaid, (the said Brigadier General William Hull having sufficient cause to know or to believe the imminent danger of capture by the enemy to which the said unarmed vessel on the passage aforesaid would be exposed,) certain sick soldiers, and a great part of the hospital stores belonging to the said army, together with a trunk, containing (among other things) the papers hereinafter mentioned, which it was the duty of the said Brigadier General William Hull most carefully to keep and preserve from the knowledge and view of the enemy, that is to say: the official correspondence of the Secretary of the Department of War and the said Brigadier General William Hull, as well touching the expedition on which the said Northwestern army under his command as aforesaid was then employed, as touching a declaration of war by the said United States of America against the said United Kingdom of Great Britain and Ireland, and the dependencies thereof; and, also, certain other official muster-rolls, reports, and returns of the numbers, state, and condition of the said army under his command as aforesaid. And the said unarmed vessel, on the passage aforesaid from the said rapids of the river Miami of the lake towards Detroit aforesaid, afterwards, to wit, on or about the second day of July, in the year one thousand eight hundred and twelve aforesaid, was captured by the enemy, having on board thereof, at the time of such capture, the said sick soldiers, the said hospital stores, and the said trunk, containing the said official correspondence, and also the said

muster-rolls, reports, and returns of the numbers, state, and condition of the said army; whereby the said sick soldiers were made prisoners of war; the said hospital stores were lost to the United States; and the said official correspondence, and the said muster-rolls, reports, and returns of the number, state, and condition of the said army, came to the possession, knowledge, and use of the enemies of the United States, to the great injury of the said United States.

*Third specification.*—And also in this: That during the said war, so as aforesaid carried on and prosecuted by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, the said Brigadier General William Hull having arrived, with the said Northwestern army of the said United States under his command as aforesaid, at Detroit, in the Territory of Michigan, on the seventh day of July, in the year one thousand eight hundred and twelve aforesaid; and having the possession and command of the said fort of Detroit from that time, constantly, until the abandonment and surrender thereof to the British forces under the command of Major General Brock, on the sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid; and finding, upon his said arrival at Detroit aforesaid, that the works of the said Fort Detroit were greatly damaged and dilapidated, and that the guns and gun-carriages belonging to the said fort of Detroit were also damaged and out of repair; and, moreover, well knowing the importance of the said Fort Detroit to the service of the said United States in the operations of the said war, and that the same (together with the said guns and gun-carriages) should be put and kept in proper order and repair, was guilty of neglect of duty by neglecting and omitting, during all the time of his possession and command as aforesaid, in a proper and sufficient manner to repair and strengthen, or cause to be repaired and strengthened, the works of the said Fort Detroit; by neglecting and omitting, in a proper and sufficient manner, and in due time for the service of the said United States, to repair, or cause to be repaired, the said guns and gun-carriages; and, generally, by neglecting and omitting to put, or cause to be put, the said fort of Detroit in a proper state and condition for resistance and defence in the event of an invasion and attack by the enemy; whereby the said Fort Detroit was left an easy conquest to the enemy; the said guns and gun-carriages being afterwards required for the service of the said United States, in the British province of Upper Canada, were still found unfit for transportation and use; great time was consumed in preparing and fitting them for the said service; and the operations of the war were fatally obstructed and suspended.

*Fourth specification.*—And, also, in this: That during the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, the said Brigadier



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General William Hull, declaring and avowing an intention and design, with the said Northwestern army of the said United States under his command as aforesaid, to invade and enter the British province of Upper Canada, to invest and attack the British fort called Malden, otherwise called Amherstburg in the said British province, and to maintain and enlarge his position and possession in the said British province, and well knowing that expedition, resolution, and energy were indispensable to the prosecution and accomplishment of such intention and design, and having arrived at Detroit aforesaid, in the Territory of Michigan aforesaid, on the seventh day of July, in the year one thousand eight hundred and twelve aforesaid, and having invaded the said British province of Upper Canada, on the twelfth day of July, in the year aforesaid, and therein taken possession of the town of Sandwich aforesaid, and having with the main body of his said army evacuated the said British province of Upper Canada on the eighth day of August, in the year aforesaid, was guilty of neglect of duty and unofficerlike conduct, by not seasonably repairing, fitting, and transporting, or causing to be repaired, fitted, and transported, the guns and gun carriages which were necessary to the operations of the war in the said British province of Upper Canada, by an useless and injurious waste of time and opportunity at Sandwich aforesaid, in the said British province of Upper Canada, without making an attempt to reduce the said British fort called Malden, otherwise called Amherstburg, by an unnecessary consumption of time, in projects to conciliate the British inhabitants of the said British province of Upper Canada, and the neighboring Indians, without resorting to a more effectual display of a military power, capacity, and disposition to maintain the acquisitions of conquest, and to perform the promises of protection; by postponing in the first instance, and by abandoning in the next, an investment and attack upon the said British fort called Malden, otherwise called Amherstburg, and by finally evacuating the said British province of Upper Canada, without having provided effectually, in any respect, for the safety of the inhabitants thereof, who had accepted the said Brigadier General William Hull's invitation to join the American standard, and without having, in any degree, accomplished the said intention and design of the said Brigadier General William Hull, so as aforesaid declared and avowed upon the invasion of the said British province as aforesaid; whereby an opportunity was afforded to the enemy to bring into suspicion and contempt the power and the conduct of the American commander; to collect and combine the British forces; to seduce, intimidate, and engage the Indians; to awe into submission the wavering inhabitants of the said British province of Upper Canada; to reinforce the said British fort called Malden, otherwise called Amherstburg; and to prepare for investing and attacking the said fort of Detroit, in the said Territory of Michigan; while, on the other hand, the said army of the United States, under the command

of the said Brigadier General William Hull, as aforesaid, diminished in effective numbers in consequence of sickness and other casualties; the officers and soldiers naturally became dissatisfied and disgusted with a scene of such inactivity, irresolution, and procrastination; the hope of support and co-operation, as well from the Indians as from the British inhabitants of the said British province of Upper Canada, was destroyed, and the general ardor of the troops in the prosecution of the war insensibly abated.

*Fifth specification.*—And, also, in this: That during the continuance of the said war, carried on and prosecuted as aforesaid, by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, the said Brigadier General William Hull, with the said Northwestern army of the said United States under his command aforesaid, arrived at Detroit aforesaid, in the Territory of Michigan aforesaid, to wit: on the 7th day of July, in the year one thousand eight hundred and twelve aforesaid; that with the said army under his command as aforesaid, he entered and invaded the said British province of Upper Canada, to wit: on the twelfth day of July, in the year aforesaid; that with the main body of the said army under his command as aforesaid, he evacuated the said British province of Upper Canada on the eighth day of August, in the year aforesaid, thence returning to Detroit aforesaid, in the said Territory of Michigan, and that he abandoned, surrendered, and gave up the said Fort Detroit, with all the troops, regulars as well as militia, under his command as aforesaid, to the British forces under the command of Major General Brock, to wit: on the sixteenth day of August, in the year aforesaid. And that during all the movements aforesaid, and during all the time aforesaid, to wit: from the said seventh day of July, in the year one thousand eight hundred and twelve aforesaid, to and including the said sixteenth day of August, in the year aforesaid, it was of high importance to the security and supply of the said Fort Detroit, and the said army of the United States, under the command of the said Brigadier General William Hull as aforesaid, that a free and open communication should be had and preserved between the said fort of Detroit and the said army of the said United States, under the command of the said Brigadier General William Hull as aforesaid, and a certain American settlement and military post made and established at the river Raisin, in the said Territory of Michigan; and that the said Brigadier General William Hull, well knowing the premises, but unmindful of the trust reposed in him, was guilty of neglect of duty and unofficerlike conduct, by suffering the enemy to interrupt and cut off the said communication between the said fort of Detroit and the said army of the said United States under his command as aforesaid, and the said American settlement and military post made and established at the river Raisin aforesaid, in the Territory of Michigan aforesaid, to



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wit: on the first day of August, in the year one thousand eight hundred and twelve aforesaid, or on some other day of the said month of August, or on some day of the preceding month of July, in the year aforesaid; also, by afterwards, to wit: on the fourth day of August, in the year aforesaid, detaching Major Thomas B. Van Horne, of Colonel James Findley's regiment of Ohio volunteers, with an inadequate force (the said Brigadier General William Hull having sufficient cause for knowing or believing the same to be inadequate) to attempt again to open the said communication between the said fort Detroit, and the said army of the said United States, under the command of the said Brigadier General William Hull as aforesaid, and the said American settlement and military post on the said river Raisin, in the Territory of Michigan aforesaid; also, by afterwards, to wit: on the eighth day of August, in the year aforesaid, detaching Lieutenant Colonel James Miller, of the 5th regiment of United States infantry with the number or about the number of five hundred men to attempt again to open the said communication between the said Fort of Detroit and the said army of the said United States, under the command of the said Brigadier General William Hull, and the said American settlement and military post at the said river Raisin, in the Territory of Michigan aforesaid, and neglecting to furnish and forward, or cause to be furnished and forwarded, the said last mentioned detachment at or near Brownstown, in the said Territory of Michigan, on its march aforesaid, upon the service aforesaid, an adequate supply of provision, (the said Brigadier General William Hull having sufficient cause to know or to believe that the said last mentioned detachment was at or near Brownstown aforesaid, on its march aforesaid, upon the service aforesaid, in want of provisions, and that they could not prosecute and accomplish the said service unless an adequate supply of provisions was furnished and forwarded to them at or near Brownstown aforesaid;) and, also, by afterwards, to wit: on the fourteenth day of August, in the year aforesaid, detaching Colonel Duncan McArthur, colonel of a regiment of Ohio volunteers, and Colonel Lewis Cass, colonel of another regiment of Ohio volunteers, with the number, or about the number of four hundred men, as well to attempt again to open the said communication between the said Fort Detroit and the said army of the said United States, under the command of the said Brigadier General William Hull as aforesaid, and the said American settlement and military post at the river Raisin aforesaid, in the Territory of Michigan aforesaid, as to escort certain provisions from the said American settlement and military post to Detroit aforesaid, without issuing, furnishing, and forwarding, or causing to be issued, furnished, and forwarded, to the said last mentioned detachment an adequate supply of provisions for the service on which they were employed as aforesaid, (the said Brigadier General William Hull having sufficient cause to know

or to believe that the said last mentioned detachment was in want of a further supply of provisions upon the service aforesaid, and that they could not prosecute and accomplish the said service unless such further supply was issued, furnished, and forwarded to them,) whereby the said detachment, under the said Major Thomas B. Van Horne, being encountered by the enemy with a superior force was defeated, and returned to Detroit aforesaid, without accomplishing the service on which they were employed as aforesaid; the said detachment under the said Lieutenant Colonel James Miller, having achieved a signal victory over the enemy during the march on the service aforesaid, at or near Brownstown aforesaid, were nevertheless compelled, from the want of an adequate supply of provisions, to abandon the service on which they were employed as aforesaid, and to return to Detroit aforesaid; the said detachment under the said Colonel Duncan McArthur and the said Colonel Lewis Cass, from want of an adequate supply of provisions were unable to prosecute and accomplish the service on which they were employed as aforesaid, and were returning to Detroit aforesaid, at the time of the abandonment and surrender of the said Fort Detroit and the said army of the said United States to the British forces under the command of Major General Brock as aforesaid; and finally, the said communication between the said Fort Detroit and the said army of the said United States, under the command of the said Brigadier General William Hull, and the said American settlement and military post at the said river Raisin, in the Territory of Michigan aforesaid, by reason of the said neglects and omissions of the said Brigadier General William Hull as aforesaid, was and remained interrupted and totally cut off by the enemy, to wit: from the said first day of August, in the year aforesaid, or from some other day in the said month of August, or in the preceding month of July, in the year aforesaid, to and including the said sixteenth day of August, in the year aforesaid.

*Sixth specification.*—And, also, in this: That during the continuance of the said war, so as aforesaid carried on and prosecuted, by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said Brigadier General William Hull, with the said Northwestern army of the said United States, under his command as aforesaid, having invaded and entered the said British province of Upper Canada as aforesaid, and having declared and avowed an intention and design of investing and attacking the said British fort called Malden, otherwise called Amherstburg, in the said British province of Upper Canada, and a detachment of the said army under his command aforesaid, led by the said Colonel Lewis Cass, and the said Lieutenant Colonel James Miller, having attacked and repulsed the enemy, and seized upon a certain bridge over the river called the river Aux Canard, on the route from

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Sandwich, in the said British province of Upper Canada, to the said British fort called Malden, otherwise called Amherstburg; yet the said Brigadier General William Hull well knowing the premises, and unmindful of the trust reposed in him, to wit: on or about the eighteenth day of July, in the year one thousand eight hundred and twelve aforesaid, at Sandwich aforesaid, in the British province of Upper Canada aforesaid, was guilty of neglect of duty and unofficerlike conduct, by neglecting and omitting to advance with the said army under his command as aforesaid, to maintain or attempt to maintain the possession of the said bridge over the said river, called the river Aux Canard, and by neglecting and omitting to proceed to the immediate investment and attack of the said British fort called Malden, otherwise called Amherstburg, in the said British province of Upper Canada, whereby the advantage of acquiring and keeping possession of the said bridge over the said river called the river Aux Canard, as aforesaid, was improvidently lost, and the prospect of a successful investment and attack upon the said British fort called Malden, otherwise called Amherstburg, speedily vanished.

*Seventh specification.*—And, also, in this: That during the continuance of the said war, so as aforesaid carried on and prosecuted by and between the said United States of America and their Territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, the said Brigadier General William Hull, with the said Northwestern army of the said United States under his command as aforesaid, having evacuated the said British province of Upper Canada, returning thence to Detroit aforesaid, in the Territory of Michigan aforesaid, the enemy having afterwards taken possession of the bank of the said river Detroit, opposite to Detroit aforesaid, and thereon erected batteries wherewith to attack and annoy as well the said fort of Detroit, and the American posts and batteries erected and established near thereto as the town of Detroit, in the said Territory of Michigan, the enemy having also manifested an intention and design to invade and enter the said Territory of Michigan, and to invest and attack the said Fort Detroit; and the enemy having also, afterwards, in pursuance of such intention and design, landed at a place called Spring Wells, otherwise called Spring Hill, in the neighborhood of the said Fort Detroit, in the Territory of Michigan aforesaid; yet the said Brigadier General William Hull, well knowing the premises, and unmindful of the trust reposed in him, to wit: from the eleventh day of August to and including the sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid, was guilty of neglect of duty and unofficerlike conduct, by neglecting and omitting to prevent, and to attempt to prevent, the enemy from erecting the said batteries on the bank of the said river Detroit, opposite to the said fort of Detroit aforesaid; by neglecting and omitting to fortify the landing place at the said Spring Wells, otherwise called Spring Hill, in the Territory of Michigan aforesaid;

and by neglecting and omitting to annoy and attack the enemy on and after his landing at Spring Wells, otherwise called Spring Hill aforesaid, in the Territory of Michigan aforesaid; whereby the enemy was enabled securely to erect the said batteries on the bank of the said river Detroit as aforesaid, for attacking and annoying as well the said fort of Detroit and the American posts and batteries erected and established near thereto, as the said town of Detroit, to invade the said Territory of Michigan, without opposition or loss, and to approach the said Fort Detroit, with the air and confidence of a triumph.

A. J. DALLAS,  
*Judge Advocate.*

WEDNESDAY, January 5.

The court met at the Capitol, pursuant to adjournment. Present, all the members.

General Hull having appeared, the charges and specifications were read to him by the Judge Advocate; and being asked if he was ready to plead to them, answered that he was, and that he pleaded not guilty to all the charges and specifications.

FRIDAY, March 25.

All the evidence being read, (whether on the part of the prosecution or the defence,) applicable to the first charge, and the specifications attached to that charge, and after due deliberation had thereon, the court express the following opinion:

The accused having, in his final defence, protested against the jurisdiction of the court to try the charge of treason, and the opinion of the court being, that the objection would have been tenable if the same had been pleaded by the accused on his arraignment; and believing, also, that the court cannot acquire jurisdiction of the offence by the waiver or consent of the accused, they decline making any formal decision on that charge. The evidence on the subject having, however, been publicly given, the court deem it proper, in justice to the accused, to say that they do not believe, from anything that has appeared before them, that Brigadier General William Hull has committed treason against the United States.

On the second charge, and the specifications attached to that charge, (after hearing all the evidence and defence, and after due deliberation thereon,) the court find Brigadier General William Hull guilty of the first, second, and fourth specifications under that charge; and also guilty of the third specification under that charge, except that part which charges the said Brigadier General William Hull with "forbidding the American artillery to fire on the enemy on their march towards the said Fort Detroit."

The court find the said Brigadier General William Hull guilty of the second charge.

On the third charge, the court, after having heard the evidence, (as well as the defence,) and after due deliberation, find the said Brigadier General William Hull guilty of neglect of duty and

*Naval General Order.*

unofficerlike conduct, as charged in the first specification under this charge, in omitting, with sufficient care and frequency, to inspect, train, exercise, and order, and to cause to be trained, inspected, exercised, and ordered, the troops under his command, from the sixth day of July until the seventeenth day of August, 1812; and acquit him of the residue of the charge contained in that specification.

The court acquit the said Brigadier General William Hull of the second and third specifications of the same charge.

The court find the said Brigadier General William Hull guilty of the whole of the fourth specification of that charge, except that part which charges him with not seasonably repairing, fitting, and transporting, or causing to be fitted, repaired, and transported, the guns and gun-carriages which were necessary to the operations of the war in the said British province of Upper Canada.

The court find the said Brigadier General William Hull guilty of so much of the fifth specification to that charge as relates to neglect of duty and unofficerlike conduct, in suffering his communication with the river Raisin and the State of Ohio to be cut off, and sending Major Van Horne to attempt to open the same with an inadequate force; he, the said Brigadier General William Hull, having reason to know or believe the same was insufficient; and the court acquit him of the residue of that specification.

The court find the said Brigadier General William Hull guilty of the sixth and seventh specifications of that charge.

The court find the said Brigadier General William Hull guilty of the third charge.

—  
SATURDAY, March 26.

The court met pursuant to adjournment. Present, all the members.

The court, in consequence of their determination respecting the second and third charges, and the specifications under these charges, exhibited against the said Brigadier General William Hull, and after due consideration, do sentence him to be *shot to death*—two-thirds of the court concurring in the sentence.

The court, in consideration of Brigadier General Hull's revolutionary services, and his advanced age, earnestly recommend him to the mercy of the President of the United States.

—  
MONDAY, March 28.

The court met pursuant to adjournment. Present, all the members.

The proceedings having been read over, and approved and signed by the President, the court then adjourned *sine die*.

H. DEARBORN,

*President of the Court.*

M. VAN BUREN,

*Special Judge Advocate.*

PHILIP S. PARKER,

*Army Judge Advocate, ass't.*

APRIL 25, 1814.

The sentence of the court is approved, and the execution of it remitted.

JAMES MADISON.

By directions of the Court Martial, the President gave the following directions to General Hull:

“ALBANY, March 28, 1814.

“SIR: You will please return to your usual place of residence in Massachusetts, and there continue until you shall receive orders from the President of the United States.

“Your humble servant,

“H. DEARBORN, *Maj. Gen'l,*  
*President of the Court Martial.*

“Brig. Gen. WM. HULL.”

—  
ADJ'T AND INSPECTOR GEN'S OFFICE,  
*Washington April 25, 1814.*

GENERAL ORDERS.

The roll of the Army is not to be longer dishonored by having upon it the name of Brigadier General William Hull.

The General Court Martial, of which Major General Dearborn is President, is hereby dissolved.

By order, J. B. WALBACH,  
*Adjutant General.*

—  
NAVAL GENERAL ORDER.

NAVY DEPARTMENT, *July 29, 1813.*

The palpable and criminal intercourse held with the enemy's forces, blockading and invading the waters and shores of the United States, is, in a military view, an offence of so deep a die as to call for the vigilant interposition of all the Naval officers of the United States.

This intercourse is not only carried on by foreigners, under the specious garb of friendly flags, who convey provisions, water, and succors of all kinds, (ostensibly destined for friendly ports, in the face, too, of a declared and rigorous blockade,) direct to the fleets and stations of the enemy, with constant intelligence of our naval and military force and preparation, and the means of continuing and conducting the invasion, to the greatest possible annoyance of the country; but the same traffic, intercourse, and intelligence is carried on with great subtlety and treachery by profligate citizens, who, in vessels ostensibly navigating our own waters, from port to port, under cover of night, or other circumstances favoring their turpitude, find means to convey succors or intelligence to the enemy, and elude the penalty of the law. This lawless traffic and intercourse is also carried on to a great extent in craft, whose capacity exempts them from the regulations of the revenue laws, and from the vigilance which vessels of greater capacity attract.

I am, therefore, commanded by the President of the United States to enjoin and direct all naval commanding officers to exercise the strictest vigi-

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lancé, and to stop and detain all vessels or craft, whatsoever, proceeding, or apparently intending to proceed, towards the enemy's vessels within the waters, or hovering about the harbors of the United States; or towards any station occupied by the enemy within the jurisdiction of the United States, from which vessels or craft the enemy might derive succors or intelligence.

W. JONES.

To COMMANDING OFFICERS

*Of stations or vessels of U. S. Navy.*

**CAPTURE OF THE BRITISH FLEET ON LAKE  
ERIE AND BRIG BOXER.**

[Communicated to the Senate, December 31, 1813.]

NAVY DEPARTMENT,

December 27, 1813.

SIR: Agreeably to your request, I have the honor to transmit copies of the official letter and documents narrating the splendid and decisive victory gained on the 10th of September, on Lake Erie, by the United States' squadron under the command of Captain Oliver Hazard Perry, over a British squadron of superior force, commanded by a distinguished veteran officer.

The effects of this victory are no less important to the national interest and security, than the unrivalled splendor of the achievement and generous sympathy of the victors is honorable to the national character.

While the heroic commander of the American squadron justly merits the highest honors which the expression of the National Councils can bestow, the second in command on that eventful day appears to merit particular distinction, for the important and decisive share he had in that glorious event; and it is grateful in the highest degree to reflect that every officer and man, on that trying occasion, discharged his duty to the nation with zeal, fidelity, and honor.

I have the honor also to enclose copies of the official accounts of the action between the United States' brig *Enterprise* and the British sloop of war *Boxer*, which terminated in a victory, which, for brilliancy and decision, it is believed, has never been surpassed in single action. The force of the enemy, in this case, was, if not actually superior, at least equal to that of the *Enterprise*; but the comparative effect of the skill and fire of each proves that, had the enemy been greatly superior in force, the result must have been the same. In this action, the gallant commander of the *Enterprise* displayed the highest degree of skill and intrepidity, and died in the arms of victory; but being mortally wounded early in the action, was most ably succeeded by Lieutenant McCall, whose conduct on that occasion it is impossible to appreciate too highly.

I have the honor to be, &c.

W. JONES.

HON. JOHN GAILLARD,  
*Chairman Naval Committee.*

U. S. BRIG NIAGARA, LAKE ERIE,

*September 10, 1813, 4, P. M.*

SIR: It has pleased the Almighty to give to the arms of the United States a signal victory over their enemies on this lake.

The British squadron, consisting of two ships, two brigs, one schooner, and one sloop, have this moment surrendered to the force under my command, after a sharp conflict.

I have the honor to be, yours, &c.

O. H. PERRY.

HON. WILLIAM JONES,

*Secretary of the Navy.*

U. S. SCHOONER ARIEL,

*Put-in-Bay, Sept. 13, 1813.*

SIR: In my last, I informed you that we had captured the enemy's fleet on this lake. I have now the honor to give you the most important particulars of the action.

On the morning of the 10th instant, at sunrise, they were discovered from Put-in-Bay, where I lay at anchor with the squadron under my command. We got under way, the wind light at Southwest, and stood for them. At ten A. M. the wind hauled to Southeast and brought us to windward; formed the line, and bore up. At fifteen minutes before twelve, the enemy commenced firing; at five minutes before twelve, the action commenced on our part. Finding their fire very destructive, owing to their long guns, and its being mostly directed at the *Lawrence*, I made sail, and directed the other vessels to follow, for the purpose of closing with the enemy. Every brace and bowline being soon shot away, she became unmanageable, notwithstanding the great exertions of the sailingmaster. In this situation, she sustained the action upwards of two hours, within canister distance, until every gun was rendered useless, and the greater part of her crew either killed or wounded. Finding she could no longer annoy the enemy, I left her in charge of Lieutenant Yarnall, who, I was convinced, from the bravery already displayed by him, would do what would comport with the honor of the flag. At half past two, the wind springing up, Captain Elliott was enabled to bring his vessel, the *Niagara*, gallantly into close action. I immediately went on board of her, when he anticipated my wishes, by volunteering to bring the schooners, which had been kept astern by the lightness of the wind, into closer action. It was with unspeakable pain that I saw, soon after I got on board the *Niagara*, the flag of the *Lawrence* come down; although I was perfectly sensible that she had been defended to the last, and that, to have continued to make a show of resistance would have been a wanton sacrifice of the remains of her brave crew. But the enemy was not able to take possession of her, and circumstances soon permitted her flag again to be hoisted. At forty-five minutes past two the signal was made for "closer action." The *Niagara* being very little injured, I determined to pass through the enemy's line; bore up, and passed ahead of their two ships

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and a brig, giving a raking fire to them, from the starboard guns, and to a large schooner and sloop from the larboard side, at half pistol shot distance. The smaller vessels, at this time, having got within grape and canister distance, under the direction of Captain Elliott, and keeping up a well directed fire, the two ships, a brig, and schooner, surrendered, a schooner and sloop making a vain attempt to escape.

Those officers and men who were immediately under my observation, evinced the greatest gallantry; and I have no doubt that all others conducted themselves as became American officers and seamen.

Lieutenant Yarnall, first of the *Lawrence*, although several times wounded, refused to quit the deck.

Midshipman Forrest, (doing duty as lieutenant,) and Sailingmaster Taylor, were of great assistance to me.

I have great pain in stating to you the death of Lieutenant Brooks of the marines, and Midshipman Laub, both of the *Lawrence*, and Midshipman John Clark, of the *Scorpion*; they were valuable and promising officers.

Mr. Hambleton, purser, who volunteered his services on deck, was severely wounded, late in the action; Midshipmen Claxton and Swartwout, of the *Lawrence*, were severely wounded.

On board the *Niagara*, Lieutenants Smith and Edwards, and Midshipman Webster, (doing duty as sailingmaster,) behaved in a very handsome manner.

Captain Brevoort, of the army, who acted as a volunteer, in the capacity of a marine officer, on board that vessel, is an excellent and brave officer, and with his musketry did great execution.

Lieutenant Turner, commanding the *Caledonia*, brought that vessel into action in the most able manner, and is an officer that, in all situations, may be relied on.

The *Ariel*, Lieutenant Packet, and *Scorpion*, Sailingmaster Champlin, were enabled to get early into action, and were of great service.

Captain Elliott speaks in the highest terms of Mr. Magrath, purser, who had been despatched in a boat on service, previous to my getting on board the *Niagara*; and being a seaman, since the action has rendered essential service in taking charge of one of the prizes.

Of Captain Elliott, already so well known to the Government, it would almost be superfluous to speak. In this action he evinced his characteristic bravery and judgment; and, since the close of the action, has given me the most able and essential assistance.

I have the honor to enclose you a return of the killed and wounded, together with a statement of the relative force of the squadrons. The captain and first lieutenant of the *Queen Charlotte*, and first lieutenant of the *Detroit*, were killed; Captain Barclay, senior officer, and the commander of the *Lady Prevost*, severely wounded. The commanders of the *Hunter* and *Chippewa*, slightly wounded.

Their loss in killed and wounded I have not

yet been able to ascertain; it must, however, have been very great.

Very respectfully, I have the honor to be, sir, your most obedient servant,

O. H. PERRY.

HON. WILLIAM JONES,  
*Secretary of the Navy.*

*List of killed and wounded on board of the United States' squadron, under command of O. H. Perry, Esq., in the action of 10th September, 1813, viz:*

*On board the Lawrence, killed.*

1. John Brooks lieutenant marines.
2. Henry Laub, midshipman.
3. Christopher Mayhew, quartermaster.
4. James W. Allen, seaman.
5. Joseph Kennedy, seaman.
6. John C. Kelly, private in the regiment.
7. John Smith, seaman.
8. William Cranston, ordinary seaman.
9. Andrew Michael, seaman.
10. John Hoffman, ordinary seaman.
11. Charles Pohig, seaman.
12. Nelson Peters, seaman.
13. James Jones, seaman.
14. John Rose, seaman.
15. James Carty, sailmaker's mate.
16. Thomas Butler, seaman.
17. Wilson Mays, carpenter's mate.
18. James Brown, seaman.
19. Ethelred Sykes, landsman.
20. Philip Sharbley, corporal of marines.
21. Jesse Harland, private.
22. Abner Williams, private.

*On board the Lawrence, wounded.*

1. John J. Yarnall, 1st lieutenant, slightly.
2. Dulaney Forrest, 2d lieutenant, slightly.
3. William N. Taylor, sailingmaster, slightly.
4. Samuel Hambleton, purser, severely.
5. Thomas Claxton, midshipman, severely.
6. Augustus Swartwout, midshipman, sev.
7. Jonas Stone, carpenter, slightly.
8. William C. Keen, master-at-arms, slightly.
9. Francis Mason, quartermaster, severely.
10. John Newen, ditto, severely.
11. Joseph Lewis, ditto, slightly.
12. Ezekiel Fowler, ditto, slightly.
13. John E. Brown, quarter-gunner, severely.
14. Henry Schroeder, ordinary seaman, sev.
15. Benoni Price, seaman, severely.
16. Thomas Robinson, seaman, severely.
17. Peter Kinsley, seaman, severely.
18. Nathan Chapman, seaman, severely.
19. Thomas Hill, ordinary seaman, severely.
20. Barney McCain, ditto, severely.
21. William Dawson, seaman, severely.
22. Westerly Johnson, ordinary seaman, sev.
23. Samuel Spywood, ditto, severely.
24. Robert Hill, seaman, slightly.
25. Francis Cummings, ordinary seaman, sev.
26. Thomas Reed, ditto, severely.
27. Wm. Johnson, boatswain's mate, severely.
28. James Helan, ditto, slightly.
29. George Cornell, carpenter's mate, slightly.

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30. Thomas Hammond, armorer, slightly.
31. William Thompson, seaman, severely.
32. George Varnum, seaman, severely.
33. James Moses, seaman, severely.
34. William Roe, seaman, severely.
35. Joseph Denning, seaman, severely.
36. William Daring, seaman, severely.
37. John Clay, seaman, severely.
38. Stephen Fairfield, seaman, severely.
39. George Williams, seaman, severely.
40. Lannon Huse, seaman, severely.
41. James Waddington, seaman, severely.
42. John Burnham, seaman, severely.
43. John Burdeen, seamen, severely.
44. Andrew Mattison, seaman, severely.
45. Jeremiah Eastbrook, ordinary seaman, sev.
46. Charles Vandyke, ditto, severely.
47. William Simpson, ditto, severely.
48. Jesse Williams, ditto, slightly.
49. James Hadley, ditto, slightly.
50. James Bird, marine, severely.
51. William Burnett, marine, severely.
52. William Baggs, marine, severely.
53. David Christie, marine, severely.
54. Henry Vanpoole, marine, severely.
55. Thomas Tuff, landsman, severely.
56. Elijah, Barlin, ditto, severely.
57. John Adams, ditto, slightly.
58. Charles Harrington, ditto, slightly.
59. William B. Perkins, ditto, slightly.
60. Nathaniel Wade, boy, severely.
61. Newport Hazard, boy, slightly.

On the morning of the action, the sick list of the Lawrence contained thirty-one unfit for duty.

*On board the Niagara, killed.*

P. Morell, seaman; Isaac Hardy, ordinary do.

*On board the Niagara, wounded.*

1. John J. Edwards, lieutenant.
2. John L. Cummings, midshipman.
3. Edward Martin, seaman, (since dead.)
4. Wm. Davis, ordinary seaman, (since dead.)
5. Joshua Trapnel, marine, (since dead.)
6. Ronvell Hall, ordinary seaman.
7. George Platt, seaman.
8. Elias Wiley, ordinary seaman.
9. Henry Davidson, seaman.
10. John M. Strebeck, ordinary seaman.
11. John Freeman, ordinary seaman.
12. James Sansford, seaman.
13. Thomas Wilson, seaman.
14. Charles Davidson, seaman.
15. Daniel Bennet, seaman.
16. John Felton, boatswain's mate.
17. Sergeant Mason, marine.
18. Corporal Scott, marine.
19. Thomas Miller, marine.
20. John Rumas, marine.
21. George McManomy, marine.
22. George Scofield, marine.
23. Samuel Cochran, marine.

On the morning of the action, the sick list of the Niagara contained twenty-eight unfit for duty.

*On board the Caledonia, wounded.*

James Artus, slightly; Isaac Perkins, slightly; James Phillips, slightly.

*On board the Somers, wounded.*

Charles Ordun and Godfrey Bowman.

*On board the Ariel, killed.*

John White, boatswain's mate.

*Wounded.*—William Sloss, ordinary seaman, slightly; Robert Wilson, seaman, slightly. John Lucas, landsman, slightly.

*On board the Trippe, Wounded.*

Isaac Green, soldier, 26th regiment, badly; John Nails, soldier, 17th regiment, slightly.

*On board the Porcupine.*

None killed or wounded.

*On board the Scorpion, killed.*

John Clark, midshipman; John Sylhamamer, landsman.

*On board the Tigress.*

None killed or wounded.

Two days previous to action, the sick lists of the small vessels contained the names of fifty-seven men unfit for service.

**RECAPITULATION.**

			Killed.	Wounded.	Total.
Lawrence	-	-	22	61	83
Niagara	-	-	2	23	25
Caledonia	-	-	0	3	3
Somers	-	-	0	2	2
Ariel	-	-	1	3	4
Trippe	-	-	0	2	2
Porcupine	-	-	0	0	0
Scorpion	-	-	2	0	2
Tigress	-	-	0	0	0
Total	-	-	27	94	121

S. HAMBLETON, Purser.

O. H. PERRY,

*Captain and Senior Officer.*

*Statement of the force of the British squadron.*—Detroit, ship, 19 guns, one on pivot, and two howitzers; Queen Charlotte, ship, 17 guns, one on pivot; Lady Prevost, schooner, 13 guns, one on pivot; Hunter, brig, 10 guns; Little Belt, sloop, 3 guns; Chippewa, schooner, 1 gun and two swivels.—63 guns.

Note.—The Detroit is a new ship, very strongly built, and mounts long twenty-fours, eighteens, and twelves.

*Statement of the force of the United States squadron.*—Lawrence, brig, 20 guns; Niagara, brig, 20 guns; Caledonia, brig, 3 guns; Ariel, schooner, 4 guns, (one burst early in action); Scorpion, schooner, 2 guns; Somers, schooner, 2 guns; Trippe, sloop, 1 gun; Tigress, schooner, 1 gun; Porcupine, schooner, 1 gun.—54 guns.

The exact number of the enemy's force has not been ascertained, but I have good reason to believe that it exceeded ours by nearly one hundred men.

BOSTON, September 7, 1813.

SIR: The enclosed letters will give you the information of a brilliant victory gained by the United States' brig Enterprise over His Britannic



*Remission of Penalties and Forfeitures.*

Majesty's brig Boxer, of considerable superiority of force. Nothing that I can say would add to the lustre of the gallant action, which so decidedly speaks for itself. But I cannot restrain my deep regret for the loss of so valuable an officer as the brave Lieutenant Burrows.

I have the honor to be, with great respect, sir, your obedient servant,

WM. BAINBRIDGE.

HON. WILLIAM JONES,  
*Secretary of the Navy.*

PORTLAND, *September 7, 1813.*

SIR: I had the honor last evening to forward you by express, through the hands of Commodore Bainbridge, a letter received from Samuel Storer, Esq., Navy Agent at this place, detailing an account of the capture of the British brig Boxer by the United States' brig Enterprise.

I now have to inform you that I left Portsmouth this morning, and have this moment arrived here, and as the mail is closing, I have only time to enclose you the report of Lieutenant McCall, of the Enterprise, and to assure you that a statement of the two vessels, as to the damage they have received, &c., shall be forwarded as soon as surveys can be made; the Boxer has received much damage in her hull, masts, and sails; indeed it was with difficulty that she could be kept afloat to get her in. The Enterprise is only injured in her masts and sails.

I have the honor to be, with great respect, sir, your obedient servant,

ISAAC HULL.

HON. WILLIAM JONES,  
*Secretary of the Navy.*

UNITED STATES' BRIG ENTERPRISE,  
*Portland, September 7, 1813.*

SIR: In consequence of the unfortunate death of Lieutenant Commander William Burrows, late commander of this vessel, it devolves on me to acquaint you with the result of our cruise.

After sailing from Portsmouth on the 1st instant, we steered to the eastward, and on the morning of the 3d, off Wood Island, discovered a schooner, which we chased into this harbor, where we anchored.

On the morning of the 4th, weighed anchor, and swept out and continued our course to the eastward. Having received information of several privateers being off Monhegan, we stood for that place; and on the following morning, in the bay near Pemequid Point, discovered a brig getting under way, which appeared to be a vessel of war, and to which we immediately gave chase. She fired several guns and stood for us, having four ensigns hoisted. After reconnoitring and discovering her force, and the nation to which she belonged, we hauled upon a wind to stand out of the bay, and at 3 o'clock shortened sail, tacked, and ran down with an intention to bring her to close action.

At twenty minutes after 3 P. M., when, within

half pistol shot, the firing commenced from both, and after being warmly kept up, and with some manœuvring, the enemy hailed, and said they had surrendered, about 4 P. M. Their colors being nailed to the masts could not be hauled down. She proved to be His Britannic Majesty's late brig Boxer, of fourteen guns, Samuel Blythe, Esq., commander, who fell in the early part of the engagement, having received a cannon shot through the body. And I am sorry to add that Lieutenant Burrows, who had gallantly led us to action, fell also about the same time, by a musket ball which terminated his existence in eight hours.

The Enterprise suffered much in spars and rigging, and the Boxer, both in spars, rigging, and hull, having many shot between wind and water.

It would be doing injustice to the merit of Mr. Tillinghast, second Lieutenant, were I not to mention the able assistance I received from him during the remainder of the engagement, by his strict attention to his own division and other departments. And the officers and crew, generally, I am happy to add, from their cool and determined conduct, have my warmest approbation and applause.

As no muster roll that can be fully relied on has come into my possession, I cannot exactly state the number killed on board the Boxer; but from information received from the officers of that vessel, it appears there were between twenty and thirty-five killed, and fourteen wounded. Enclosed is a list of the killed and wounded on board the Enterprise.

I have the honor to be, with great respect, sir, your obedient servant,

EDW. R. McCALL, *Senior Officer.*

ISAAC HULL, Esq., *Comm'g Naval Officer*  
*on the Eastern station, Portland.*

*List of the killed and wounded on board the United States' brig Enterprise, in the engagement with the British brig Boxer, on the 5th September, 1813.*

*Killed.*—Nathaniel Garren, ordinary seaman.

*Wounded.*—William Burrows, commander, since dead; Kerwin Waters, midshipman, mortally; Elisha Blossom, carpenter's mate, since dead; David Horton, quartermaster; Russell Coates, quartermaster; Thomas Orrings, quartermaster; Benjamin Gannon, boatswain's mate; Sculier Bradley, seaman; James Snow, seaman; Snow Jones, seaman; Peter Barnard, ordinary seaman; William Thomas, 2d, seaman; John Fitzmen, marine.

EDW. R. McCALL, *Senior Officer.*

## REMISSION OF PENALTIES AND FORFEITURES.

[Communicated to the House, June 16, 1813.]

The Acting Secretary of the Treasury, to whom was referred the memorial of Stephen Girard and others, owners of the ships Good Friends, United States, and Amazon, and their cargoes, respectfully reports:

*Remission of Penalties and Forfeitures.*

That the above named vessels, with their cargoes, consisting of merchandise of the growth, produce, or manufacture of Great Britain, having left ports in Great Britain in the months of October and December, 1811, arrived at Amelia Island, in East Florida, between the 22d of December, 1811, and the 10th of February, 1812, and were lying in the port of Fernandina, in that island, on the 18th of March, 1812, on which day possession was taken of the island by George Mathews, under a pretended authority from the Government of the United States. Under the same authority, a local government was established by him, and such officers appointed as he deemed necessary to administer it. The supercargoes and agents for the property on board the vessels in question, deeming their situation insecure, and that the value of the cargoes would probably invite hostile or predatory attacks upon them if they remained in a port where, within three days, the public authority had been exercised under no less than three different jurisdictions, and considering themselves as already, without their own agency or consent, placed, with the property in their charge, under the authority of the United States, applied to General Mathews for permission to proceed to Philadelphia, under such conditions and restrictions as might secure the property from the penalties and forfeitures to which, by the then existing laws of the United States, it would be exposed if imported into the United States. General Mathews granted this request, considering, as he himself expressed it, "that the vessels and their cargoes were already under the protection of the flag of the United States, and within the waters of an integral part of our common country;" and that they would not therefore be subjected, by going to Philadelphia, to the prohibitions of the non-importation law. He directed that the vessels and cargoes should be delivered in charge to the collector of Philadelphia, should so remain until the determination of the Government in relation to them should be known, and took bonds for the performance of this condition. The vessels left Amelia Island on the 10th of April, 1811, and arrived in the river Delaware, on their way to Philadelphia, on the 19th day of the same month, when they were seized by the collector of the district of Delaware, and were subsequently libelled in the district court of that district, as liable to forfeiture for an infringement of the non-importation act. The taking possession of Amelia Island by Gen. Mathews, in the manner in which it was done, and his subsequent acts at that place, being altogether unauthorized and illegal, the license, or permission which he gave for the vessels to proceed to Philadelphia was entirely null, and they, with their cargoes, were, of course, on coming within the jurisdiction of the United States, subject to forfeiture.

These are the material facts in the cases represented in the memorial. The grounds on which the memorialists ask for relief, are,

1st. That the lading of the merchandise on board their ships, in the first instance, was with-

out any intention to violate the provisions of the act of March 1st, 1809, commonly called the non-importation act. By the fifth section of that act, the lading of prohibited merchandise on board of any vessel in a foreign country, with an intent to import the same into the United States, is made penal, and subjects the merchandise, and the vessel on board of which it is laden, to forfeiture. But the memorialists represent, that, although the ultimate destination of the merchandise was for the United States, yet, that it was not their intention that it should at any time enter the United States in contravention of the laws; that their property was withdrawn from England in the apprehension of its insecurity there from an approaching state of war; and that it was placed in a situation recommended by its supposed safety, and by its proximity to the United States, to await the time when it might, by an expected act of the Government, be made lawful to introduce it into the United States. The intention of violating the law, which is what the act of March, 1809, must have contemplated when the lading of prohibited merchandise on board a vessel in a foreign country was made criminal, is disowned by the memorialists; and from all the circumstances, particularly in Mr. Girard's case, from the application made by him to Congress, in the month of March, 1812, for permission by law to import the cargo of the ship *Good Friends*, thereby manifesting his disposition to respect the laws, and to avoid, in every particular, their infringement, appears not to have been entertained by them.

2d. That the importation, when actually made, was supposed by the memorialists and by their agents not to be illegal. The powers which Gen. Mathews assumed to possess at Amelia Island, could not, from the nature of the case, be investigated by the agents of the memorialists there present. He pretended to have authority for what he did; and exterior circumstances may, in some measure, have justified a belief, on their part, that his acts were directed, and would be sanctioned, by the Government. The vessels and their cargoes, on their arrival in Philadelphia, were to be put in possession of the collector of the customs, and no intention of a clandestine or fraudulent introduction of any part of the merchandise can be supposed to have been entertained in the remotest manner by the memorialists.

Under these views of the cases of the memorialists, they would appear to be entitled to relief. The consideration that Congress has, by three acts, passed at their last session, directed the penalties and forfeitures incurred under the same prohibitory act, by three classes of importers of British merchandise, to be remitted, strengthens and confirms this idea. But it must be recollected that several cases of importations from Amelia Island, under circumstances similar to those stated in the present memorial, have already occurred and been acted on. Petitions for remission having been presented to the Secretary of the Treasury, they were granted under the authority of the

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general mitigating act of March, 1797, upon certain conditions, the effect of which was, to subject the merchandise to the payment of the double duties imposed by the act of July 1, 1812; and this upon the ground that, as the merchandise could not be legally admitted to entry till the remission took place, and as this was not granted till after the act of July 1, 1812, was in operation, it was equally consistent with equity, and with the law then in force, that the double duties should be made to attach to the merchandise. The principles which governed in those decisions were stated in the letter of the Secretary of the Treasury to the chairman of the Committee of Ways and Means, of the 1st of February last, of which a copy is annexed to this report. Those principles were sanctioned by the Committee of Ways and Means, and are understood to have been concurred in by the House. The same measure of justice or of indulgence is due to all those standing in the same situation; and it is respectfully suggested that the relief prayed for by the memorialists in the present case should be granted only on the payment of the double duties imposed by the act of July 1, 1812; or, in other words, on the payment of such duties as would be payable on the merchandise if imported at the time when the act by which the importation already made is legalized, shall be passed.

All which is respectfully submitted,

W. JONES,

*Acting Sec'y of the Treasury.*

TREASURY DEPARTMENT,

June 15th, 1813.

*To the Senate and House of Representatives of the United States in Congress assembled :*

The memorial of Stephen Girard, of the city of Philadelphia, in the State of Pennsylvania, merchant, owner of the ship *Good Friends*, and her cargo; Thomson and Morris, of the same place, merchants, owners of the ship *Amazon*, and of part of her cargo; Bryan & Schlatter, Edward Wilson, Longstreth & Wilson, William S. Crothers, and John Vaughan, the legal representatives of Samuel Merrik, lately deceased, all of the same place, merchants, also respectively part owners of the cargo of the said ship *Amazon*; Luke Tiernan & Co., Henry Shroeder and Co., and Levin Wetherill, of Baltimore, in the State of Maryland, merchants, also respectively part owners of the cargo of the said ship *Amazon*; and Jonathan Ogden, of the city of New York, merchant, also part owner of the cargo of the said ship *Amazon*; and Rugan & Rhodes, of the city of Philadelphia, merchants, owners of the ship *United States*, and her cargo, respectfully sheweth :

That your memorialist, Stephen Girard, represented to Congress, at their session in March, 1812, the circumstances under which his ship the *Good Friends*, Robert Thompson, master, with a value cargo of the manufactures of England, (belonging also to him,) had proceeded from Lon-

don to Amelia Island; and prayed, in contemplation of the impending war between the United States and Great Britain, that he might be permitted to rescue his property from the danger to which it was exposed, by placing it, upon any terms that the wisdom of the Legislature should prescribe, within the protection of the United States; as will more particularly appear by a copy of the representation annexed to the present memorial, A.

That your memorialists, the owners of the ships *Amazon* and the *United States*, and of their respective cargoes, influenced by motives similar to those which had actuated Mr. Girard, also removed their property from the immediate jurisdiction and power of the British Government, and sent it to Amelia Island, as a situation of comparative safety, in the event of war. But, reposing perfect confidence in the impartiality, as well as in the liberality of Congress, they abstained from addressing your honorable body on the occasion; since the principle of your decision on Mr. Girard's memorial, would naturally be applied to all cases within the same reason for indulgence and relief. The ship *Amazon* sailed from Liverpool about the fourth of October, 1811, and arrived at Amelia Island about the 22d of December following. The ship *United States* sailed from Liverpool about the 25th of October, 1811, and arrived at Amelia Island about the 25th of December following.

That your memorialists, while the attention of Congress is again claimed upon this interesting subject, deem it proper, solemnly and explicitly to declare, that, although they were desirous to withdraw their respective funds from England, and to reap the emolument of a fair trade in the goods which they had respectively ordered, yet that they never did intend to make the shipments in England, or to import the goods into any district of the United States, in violation of the laws of their country. True it is, that, at the time of the shipments, your memorialists anticipated, either as a consequence of an adjustment of the differences subsisting between the United States and Great Britain, or as a consequence of a formal declaration of war, that an importation would, eventually, be rendered lawful; but they utterly deny that the shipments were made with a view to an importation, in peace or in war, at any period of time, or under any change of circumstances, without the direct and positive sanction of the American Government.

That, in connexion, however, with this declaration, your memorialists respectfully remark, that notwithstanding the existence of the non-importation act, the citizens of the United States might lawfully transport their property, consisting of British products or fabrics, from one British port to another; or from a British port to the ports of any other foreign nation; and an ulterior design to bring the property to their own home, whenever that course might also be lawfully pursued, has never been denounced, and can never be justly denounced, as a subject for prosecution and punishment: for, if upon a rigid interpreta-

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tion of a doubtful expression, it has been alleged that a penalty is incurred, by the act of putting goods of British growth or manufacture, on board of any ship or vessel, with intention of importing them into the United States, "against the prohibition or the true intent and meaning of the law," even before the goods have been brought within the jurisdiction of the United States, yet neither the spirit nor the language of the law can ever be so strained as to affix the same penalty to the act of putting such goods on board of any ship or vessel, with the qualified, contingent, and avowed intention of importing them, only when, and after, the legislative prohibition had ceased, and the intent and meaning of the law could not possibly be contravened.

That your memorialists having, with these unoffending dispositions, transported their property from England to the port of Fernandina, in Amelia Island, were anxiously but submissively waiting the decision of Congress upon their case, when a political revolution suddenly occurred, which transferred the possession and jurisdiction of the Island from Spain to the United States. It appears, from the public documents of the time, that, in consequence of an insurrection of the neighboring inhabitants, the town of Fernandina surrendered to an armed party, calling themselves "the Patriots," on the 17th of March, 1812; that the Patriots, on the ensuing day, entered into capitulation with General George Mathews, at the head of the land and naval forces of the United States, ceding to him the town, the harbor, and the adjacent country, as the deputed Commissioner of the United States, to receive the cession; and that General Mathews took immediate possession of Fernandina, appointed a judge, a collector, a harbor master, and a notary public; and exercised all the other functions of government, civil and military, in the name and on behalf of the United States.

That your memorialist are aware of the disclosure, at a period long subsequent, of the secret act of Congress, passed on the 15th of January, 1811, authorizing the President, upon the occurrence of certain events, to take possession of the territory lying east of the river Perdido, and south of the State of Georgia, and the Mississippi Territory, of the commission and instructions issued to General Mathews and Colonel McKee, jointly and severally, for carrying the provisions of the act into effect; and of the judgment of the President, that General Mathews, in accepting the cession of Fernandina, under the circumstances which have been stated, transgressed the limits of his commission. But your memorialists, with great deference, observe, that, in a transaction to which the Legislative and Executive Departments of the Government had thus affixed the seal of secrecy and confidence, a knowledge of the law could not be acquired, by the ordinary means of information; and every citizen was obliged, every citizen was bound, to presume the competency and the validity of General Mathews's authority, simply because the authority was exercised. The Commissioner might, therefore, be personally re-

sponsible for his conduct; reparation might be come due, as for a violation of the territory and sovereignty of a foreign Power; and individuals, upon the spot, might be involved in losses, for which no indemnity could be obtained: but it will be without precedent, as it is, most manifestly, without principle, that the American Government should take advantage of the honest delusion produced by the public conduct of an accredited agent, acting under color of a secret commission, to entangle its own citizens in the net of legal confiscation.

That, as soon as the revolution of Fernandina appeared to be consummated, by the organization and establishment of a government under the authority of the United States, the masters of the ships, belonging, as before mentioned, to your memorialists, and the supercargoes charged with the care of the goods on board, saw that the danger and the difficulty of their situation were greatly increased, without their participation in the cause. By an act performed in the name, and under the authority of the United States, Amelia Island had become an American possession; the vessels and cargoes of your memorialists, without their intention or knowledge, were subjected to the American jurisdiction; the island no longer remaining a neutral asylum, seemed to present an attitude of defiance towards England, as well as Spain; and the rich accumulation of American property in the harbor of Fernandina, offered so strong a temptation, that any other inducement was scarcely wanting, to insure a predatory visit, under whatever pretext, from some of the belligerent cruisers or privateers. To remain, therefore, at Amelia Island, in this unexpected change of circumstances, was thought a wilful sacrifice of the ships and cargoes. The alternative of seeking another safe and peaceful port, in a foreign country, was thought impracticable: for, no voyage could be undertaken, with a hope of avoiding capture; no insurance could be effected, at any rate of premium; and, after all, what port was open for selection, to which the belligerents, with hostile views, could not also resort? In this dilemma, it was natural, it was proper, that the agents of your memorialists should apply for advice and assistance, to the Commissioner of the United States, whose public conduct (then deemed to be duly authorized) had contributed to embarrass them; and let it be remarked, that, even if they had been disposed rather to place the property of your memorialists within the reach of their own Government, as an object of confiscation, than to expose it to the belligerents, as an object of pillage, the patriotism of the choice might serve, in the most unfavorable result, as some excuse for its imprudence.

But your memorialists further respectfully represent, that their agents, well knowing the nature and obligation of the instructions which they had received, felt no disposition, under any aspect of affairs, to enter the ports of the United States, in violation of the law. Of the authority of General Mathews to accept the cession of Fernandina, upon the terms of the capitulation, they never

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conceived a doubt; of the Constitutional or legal effect of the cession to identify Amelia Island with the territory of the United States, they never presumed to form an opinion; of the public policy and lawfulness of removing the American property from Amelia Island, they believed General Mathews to be a competent judge; but, still, with respect to all these considerations, they referred their conduct implicitly to the order and guidance of the Commissioner, acting in the name and under the authority of the United States, as will more particularly appear by their address, and his answer, of which copies are annexed to this memorial, B, C.

That from these, and other documents now exhibited, your memorialists are confident that it will be satisfactorily proved to your honorable body, that the ships and cargoes belonging to them, as before stated, were not voluntarily brought by their agents from Amelia Island into the United States, with a design to contravene the prohibition of the act of Congress respecting goods of British growth or manufacture; but that they were sent hither, under an apparently lawful license, upon motives of public policy, in a case of necessity, to be disposed of as the Government should be pleased, eventually, to direct: Thus,

1. The agents of your memorialists, declaring that they did not wish to violate any law, and expressing a belief that General Mathews possessed sufficient powers for the occasion, suggested that permission might be granted to proceed from Amelia Island to Philadelphia, as a place of refuge and safety, under bonds to deliver the ships and cargoes into the hands of the collector, subject to the orders of the President.

2. General Mathews, acting upon a knowledge of his powers, and exercising his own judgment, adopted the suggestion; considering the ships and cargoes to be under the protection of the capitulation, by which Amelia Island was ceded to the United States; considering, on motives of public policy, as well as of private justice, that the large amount of property, at Amelia Island, would be an additional attraction to the belligerents, and, probably, lead to hostilities at that place; considering, that, in consequence of the cession, the vessels and cargoes were under the protection of the flag of the United States, in the waters of an integral part of the common country; and considering that, for these reasons, the ships and cargoes could no longer be subject to the penalty of the non-importation law, upon entering a port of the United States, with the sanction of his license.

3. But, at the moment of issuing the license, bonds were exacted from your memorialists, with a condition, "to produce, to the collector of the district of Amelia Island, within six months, a certificate that the cargoes had been delivered to the collector of Philadelphia, and to remain in his charge until the determination of the Government of the United States should be known;" and, with these bonds, the ships and cargoes sailed, and were actually consigned to the collector of the port of Philadelphia, under the

license of a letter, which Governor Mathews addressed to that officer, bearing date the 31st of March, 1812. (D.)

That it is thus manifestly proved, that the ships and cargoes, belonging to your memorialists, as before stated, were sent, for safety, about the 10th of April, 1812, from Amelia Island, into the waters of the United States, under a public license, to be delivered (not to their respective owners, but) to the officers of the Government in the port of Philadelphia; subject (not to the orders of their respective owners, but) to the orders of the President. The ships and cargoes, accordingly, arrived in the Delaware, about the 19th of April, in their passage to the port of Philadelphia; but, notwithstanding the peculiar circumstances under which they arrived, with a fair destination to the port of the owners, for delivery to the collector there, by the order of General Mathews, and, notwithstanding the certain and continued power of the Government over the property, in the port of Philadelphia, as well as elsewhere, within the territory of the United States, the ships and cargoes were seized, upon an alleged breach of the non-importation law, in the district of Delaware, and carried to the port of Wilmington, for trial and adjudication. And, by these proceedings, your memorialists (without indulging the useless language of complaint) have to lament that they are involved in a forfeiture of the bonds which have been given at Amelia Island; that they are deprived of the benefit of the decision of the Government, upon the question of admitting or excluding the ships and cargoes, for refuge and safety, if not for importation and trade; that they have been compelled to obtain a restitution of their property, upon bonds, with sureties, for their respective interests, amounting to the aggregate sum of \$645,731 22; of which the interest of one of your memorialists, alone, (Stephen Girard,) amounts to the sum of \$303,488 83; that they have been obliged to secure and to pay the duties of tonnage and impost upon their ships and cargoes, (amounting at least to a sum of \$94,338 11) even before the fate of the property is ascertained; and, finally, that they are constrained, at a crisis of such public importance, to obtrude upon the time and attention of Congress a respectful, but earnest, solicitation for relief from the prosecution which threatens them.

And here your memorialists rest, with a confidence, which every consideration of the wisdom, the justice, and the impartiality of Congress is calculated to fortify and confirm. They have seen, with sentiments of unqualified approbation, a legislative interposition, to save from ruin of heavy penalties and forfeitures, a class of citizens, who, proceeding upon a sincere, though mistaken anticipation of the alleged revocation of the British Orders in Council, in relation to the American non-importation system, voluntarily and unlawfully sent their vessels, and their cargoes, in a direct voyage from England to the United States. They now present a case, in which an importation into the United States was never

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contemplated, pending the existence of the non-importation law; in which property has been placed within the jurisdiction of the United States by the force of events beyond the influence and control of its owners; in which the authority of the Government was employed (colorably at least) to produce those events; and in which the ships and cargoes of your memorialists, brought into the waters of the United States, under the license of a public agent, for the purposes of refuge and safety, have been unjustly branded with the offence of an illicit importation for the purposes of trade. Does not the honor of the Government; then, equally with the innocence or the misfortune of your memorialists, seem, in such a case, to demand that the claim of confiscation should be effectually silenced? A court of law may construe the words of the prohibitory act so as to embrace, in its penal dispensations, a contingent and eventual intention, as well as a wilful and direct intention, to import. A judge may regard the defective authority of a public agent as no authority to justify, or excuse, an acquiescence in its exercise. The equitable jurisdiction of the Treasury Department, also, may be deemed inadequate to remit an imputed forfeiture of a nature so complex, and of a magnitude so great. But, in Congress, every power resides to display the honor, the justice, and the liberality of the nation, and to Congress your memorialists definitively appeal.

## STEPHEN GIRARD.

Thomson & Morris, Longstreth & Wilson,  
Wm. S. Crothers, Bryam & Schlatter,  
Rugan & Rhodes, Edward Wilson,  
Jn. Vaughan, administrator of S. Merrill.  
Jona. Ogden, by his attorney, E. Thompson.  
PHILADELPHIA, May 28, 1813.

## A.

*To the Senate and House of Representatives of the United States of America, in Congress assembled, the memorial of Stephen Girard, of the city of Philadelphia, in the State of Pennsylvania, merchant, respectfully sheweth:*

That your memorialist, who has been engaged, for many years, in the prosecution of an extensive commerce, feels pride and pleasure in being able to affirm, that the operations of his personal industry, and pecuniary capital, have not, in any instance, been injurious to his country, nor dishonorable to himself. And at the moment of soliciting your attention for the object of the present memorial, he prays you to believe that he aims not, in any degree, to obstruct the policy of the Government, nor to obtain from legislative favor an indulgence which is incompatible with legislative impartiality.

That your memorialist perceives, in the existing system, prohibiting the importation of British merchandise into the United States, a design to coerce the justice of a foreign Power, through the medium of its interest; but it cannot be presumed that a system, calculated to vindicate the national rights, will be allowed to impair the na-

tional resources; or that the means employed to redress the wrongs of an American citizen, shall be rendered the means more completely to impoverish and oppress him.

That, before the prohibitory system was adopted and enforced, there had been intrusted, either directly or circuitously, to the care of British merchants, in Europe, a considerable portion of the commercial capital of the United States, which, upon the adoption of that system, it became obviously the interest of the nation at large, as well as of the individual proprietors, to withdraw. And although the immediate policy of our Government prevented an investment in British products or manufactures, the American capitalists were enabled, for a time, by fortuitous circumstances, to make important returns in the public stock of the United States, and in the stock of the late Bank of the United States, as well as by bills of exchange.

That the efficacy of the prohibitory system has been thought, so far, to require a general restraint; but, upon principle, a clear and satisfactory distinction has always existed, and must forever exist, between the case of the merchant, who seeks to purchase with money, or on credit, British produce and manufactures, for the current purposes of trade, and that of the merchant who is forced into a similar investment, for the sole purpose of bringing home his pecuniary funds, which had previously accumulated in the hands of a foreign agent. In the former case, a new source of encouragement may be opened to the British manufacturer; but, in the latter, the incidental consideration of British profit is lost, while we estimate the more important effect which adds the fruits of American enterprise to the active wealth of the country.

That, connected with these views which the prohibitory system alone presents, your memorialist respectfully submits to the wisdom of Congress the considerations that arise from an approaching war. In contemplation of war, every Government endeavors to preserve the property of its citizens from the grasp of an enemy; and even few treaties are formed, without guarding against the violent effects of a sudden rupture, by an express stipulation, that, in such event, the citizens of the contracting parties inhabiting the territory of each other, shall enjoy a reasonable opportunity to remove themselves and their goods. The prohibitory system prevented the importation of British merchandise into the United States; but the strong and continued indications of an approaching war admonished every American citizen to remove his property, in any practicable mode, to any lawful place of deposit, out of the sphere of British seizure and confiscation. Hence, when it was no longer practicable, in the ordinary modes of remittance, by bills of exchange, or by purchases of American stock, to transfer pecuniary funds from England to America; when gold and silver were scarcely current, and could not be exported; and when the depreciated state even of bank notes, forbade the voluntary acceptance of any payment for a debt, in the paper medium



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of the Kingdom; the American saw no other prospect, to rescue his fortune from the impending war, than in investment in British merchandise, which, without offending English or American laws, he might transport to an asylum of temporary security, if not of ultimate emolument, in some neutral country.

That, resting his hope upon these general foundations, your memorialist proceeds, with deference and respect, to represent the peculiar circumstances of his own case, in a brief but distinct narrative, which he is ready to verify, with all the formalities of legal evidence. Thus, it has been his course of trade for several years past, to send valuable cargoes, consisting of the produce of the United States, and of the produce and fabric of the East and West Indies, in his own vessels, to the continent of Europe, where, the cargoes being sold, the greater portion of the proceeds of the sales has been invested, from time to time, in Spanish milled dollars, and sent, in the same vessels, to the Isles of France and Bourbon, Java, Madras, Calcutta, and Canton, to procure return cargoes for the port of Philadelphia. The proceeds of sales, which were not thus employed, were remitted to London; but, in the year 1807, when the embarrassments and dangers of neutral commerce had greatly increased, your memorialist deemed it expedient to abandon the scheme of circuitous voyages; his vessels were ordered to return immediately from Europe to America, and his consignees upon the Continent were instructed to remit the whole proceeds of his consignments to Messrs. Baring, Brothers, and Co., of London, for his use. In consequence of these arrangements, it will appear, from a schedule annexed to this memorial, A, that, on the 31st of December, 1808, the balance in favor of your memorialist, in the hands of Messrs. Baring, Brothers, and Co., amounted to £33,681 17s. sterling; that, during the year 1809, the sum of £131,003 5s. 9d. sterling, was remitted from the Continent to the London house; and the sum of £62,042 16s. 8d., was drawn for by your memorialist, leaving, on the 31st of December, 1809, a balance in his favor, amounting to £102,642 6s. 1d. sterling; that, during the year 1810, the sum of £69,600 1s. 11d. sterling, was remitted from the Continent to the London house, and the sum of £45,440 15s. 7d. sterling was drawn for by your memorialist, leaving, on the 31st of December, 1810, a balance in his favor, amounting to £116,771 12s. 5d. sterling; and that, during the year 1811, the sum of £77,794 1s. 4d. sterling, was remitted from the Continent to the London house, finally placing in their hands an aggregate amount of £154,495 13s. 9d. sterling, subject to the orders of your memorialist.

That your memorialist here prays leave to remark, that this accumulation of funds in the hands of the London house did not arise from a course of English trade, nor was it designed for an investment in British merchandise. The fact is, that Messrs. Baring, Brothers, & Co. were constituted the European bankers of your memorialist, and were instructed to make remittances to

him in American stock and bank shares. The commencement of the year 1811, however, exhibited a crisis the most alarming. On the one hand, the hope of obtaining satisfactory remittances from England vanished; while, on the other, the prospect of inevitable war seemed to put at hazard the property itself. In this situation, your memorialist determined to close his European transactions, and to collect, at a point nearer to his home, his various pecuniary resources. In the fulfilment of this determination, he employed the proper agents, and the result has been the investment of a part of his funds in American stock, and bank shares; of another part in British merchandise; and still leaving a balance of £40,639 4s. 2d. sterling, in his favor, in the hands of Baring, Brothers, & Co.

That your memorialist, with a more particular view to the relief that he seeks, further represents that the British merchandise thus procured and specified in the statement marked B, having not yet received the original invoices, was shipped on board his vessel called the Good Friends, Robert Thompson, master, which sailed about the 4th of January, 1812, from the port of London, for Amelia Island, Rio Janeiro, and Philadelphia; the last place being mentioned in the clearance, because Captain Thompson had given bond to land certain articles there, viz: three anchors, twenty-five boxes of sheathing copper, and two barrels patent copper sheathing nails, intended for the use of my ships; that the vessel arrived at Amelia Island about the 9th of February, and that she there lies with her cargo, constituting, together, a property amounting, as per statement, to £66,943 19s. 1d. sterling, exposed to tempests and fire, to felonious depredations, and hostile capture.

And now your memorialist, having shown the origin and progress of the present transaction, by which he has rescued his property from the possession of a contemplated enemy, at the eve of a public war, presumes most earnestly, though most respectfully, to hope, that he may be permitted, also, to rescue it from the existing danger, by placing it, upon any terms, within the jurisdiction, and under the protection, of the United States. If, notwithstanding the peculiar circumstances of the case, it shall be deemed inexpedient to admit his vessel and cargo to a general entry, he concludes with praying that they may be admitted to take refuge in the possession of the revenue officers of any port of the United States, until a season of greater safety.

PHILADELPHIA, March 9, 1812.

*Explanatory Statement, A.*

These several years past, I have been in the habit to ship, on my account, cargoes consisting of produce of the United States, and other articles of India, West India, &c., to the continent of Europe. Those shipments have been disposed of, at their respective destinations, by the consignees; and, in many instances, the greatest part of their proceeds were invested in Spanish

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milled dollars, &c., and shipped on board of my ships or vessels for the Isles of France and Bourbon, Java, Madras, Calcutta, and Canton, and back to this port. The residue of the net proceeds of the original cargoes was remitted, from time to time, to my London friends, until July, 1807, when the increasing difficulties compelled me to order my ships back direct from said continent of Europe to this port, and to request my consignees to remit my funds to Messrs. Baring, Brothers, & Co., merchants, of London, subject to my order, as it appears by the following statement, viz:

On the 31st of December, 1808, balance in my favor in the hands of the London house £33,681 17s. sterling.

During the year 1809, £131,003 5s. 9d. sterling, were remitted from Amsterdam, &c., to the London house, and my bills, &c., on said house, during that year, amounted to £62,042 16s. 8d.

On the 31st December, 1809, balance in my favor, £102,642, 6s. 1d.

In the year 1810, remittances from the Continent, amounting to £59,500 1s. 11d. sterling, were made on my account, and the amount of my bills, &c., during that year, £45,440 15s. 7d.

Balance in my favor, on 31st December, 1810, £116,701 12s. 5d. sterling.

The remittances made on my account, in the year 1811, by my consignees, on the continent of Europe, to Messrs. Baring, Brothers, & Co., amounted to £77,794 1s. 4d.

The lowness of exchange on England, with the increasing danger and difficulties which our commerce experienced in Europe, together with the apparent gradual depreciation of British sterling bank notes, and the rumors of war between this country and some of the belligerent Powers, rendered me very uneasy, particularly as I had not received those remittances which I had requested my London friends to make me in American stocks and in United States' Bank shares. After meditating on these unfavorable prospects, in July last I decided to liquidate the unsettled business which I had on the continent of Europe, and to draw from there and from England all the funds which I had in those countries. For that purpose, I appointed two confidential agents; one is Mr. Charles N. Bancker, a competent judge of dry goods, whom I furnished with a letter of credit on Messrs. Baring, Brothers, & Co., of London, for £50,000 sterling, to be invested in British manufactures, to be shipped, on my account, on board of my ship *Good Friends*. The other agent was Mr. Joseph Curwen, a merchant of this city; whom I invested with my general power of attorney to settle all my European business, and to remit me my funds as fast as practicable. That gentleman was also authorized to furnish Mr. Charles N. Bancker with an additional sum of £10,000 sterling, to be also invested in British manufactures, if he should judge advisable.

Mr. Charles N. Bancker went from New York, early in August, 1811, to England, where he attended the business allotted to him. Mr. Joseph

Curwen sailed from the river Delaware, on or about the 1st of August last, in my ship *Good Friends*, Robert Thompson, master, for Lisbon; there attended to the sales of that ship's cargo, consisting of flour; went to Cadiz on business of his own; and from there proceeded to London, where he arrived in October last, superintending my interest, and investing funds, on my account, in American 6 per cent. stock, at 12 per cent. above par, and United States' Bank shares at about £94 10s. per share, to the amount of £153,856 9s. 7d. sterling, including £66,943 19s. 1d. sterling amount of British manufactures selected, purchased, and shipped, on my account, by Mr. Charles N. Bancker, &c., on board of the ship *Good Friends*, Robert Thompson, master.

On or about the 20th of November last, Mr. Joseph Curwen went from England over to the continent of Europe, for the purpose of settling my concerns at Hamburg, Riga, and Sweden.

Mr. Charles N. Bancker sailed from Portsmouth, England, passenger on board of the ship *Good Friends*, on the 4th of January last. At his departure from the country, there was still a balance in my favor of £40,639 4s. 2d. sterling in the hands of Messrs. Baring, Brothers, & Co.

The funds which I had, and still have, in England, result altogether out of the proceeds of the shipments on my account, which I have consigned to my agents on the continent of Europe, who, after having sold my goods, have remitted their proceeds to Messrs. Baring, Brothers, & Co.

The foregoing statement of the yearly balance due me by Messrs. Baring, Brothers, & Co., of London, ever since the 31st of December, 1808, may, at all times, be proved by my books; also, by the accounts current which I have received from that house; their correspondence with me; and by the several accounts of sales, accounts current, and letters received from my agents and consignees, of my shipments to said continent of Europe.

The ship *Good Friends*, Robert Thompson, master, with a cargo of British manufactures, amounting to £66,943 19s. 1d., including three anchors, sheathing copper, copper nails, bunting, and other articles, for the use of my ships, was cleared out in London, for Amelia Island, Rio Janeiro, and Philadelphia. Sailed from England on the 4th of January last, and arrived at Amelia Island on the 9th ultimo. Capt. Robert Thompson having been compelled to give a bond for the landing of the copper and anchors in a port of the United States, is, as I am informed, the cause which has induced the collector of the British customs to insert Philadelphia in the clearance of said ship.

My ship *Good Friends* and cargo, at Amelia Island, being subject to loss by tempest, fire, capture, &c., I am anxious to secure that valuable property in a place of safety, by being permitted to order said ship, with her cargo, round to this port; here to enter said cargo for exportation, and to have the same landed and stored under the care of the custom-house, except the three anchors, the

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sheathing copper, and copper nails, a small ball of bunting, four night glasses, with several charts, amounting to £1,563 18s. sterling, which, being intended for the use of my ships, part of them are now wanted for a new ship which I am fitting out.

*Statement of Stephen Girard's account with Messrs. Baring, Brothers, & Co., of London.*

1808, December 31. Balance in favor of Stephen Girard	-	-	£33,681	17	0
1809. December 31. Remittances from the Continent, made them by Hope & Co., &c., on Stephen Girard's account, during this year, together	131,003	5	9		
	164,685	2	9		
Deduct for sundry of my drafts on them, and payments they made on my account, during this year	62,042	16	8		
Balance due Stephen Girard, 31st December, 1809	102,642	6	1		
1810. December 31. Remittances from the Continent, &c., made them on Stephen Girard's account, during this year	59,500	1	11		
Deduct for sundry of my drafts on them, and payments made on my account, during this year	45,440	15	7		
1811. January 1. Balance due Stephen Girard, 31st December, 1810	116,701	12	5		
December 31. Amount of remittances received by them on my account from the Continent, &c., during the year 1811.	77,794	1	4		
	194,495	13	9		
Deduct amount of my drafts on them, their remittances in bank and United States stock, payments made to Mr. Charles N. Bancker, &c., during the year 1811, and up to the 8th January, 1812	153,856	9	7		
Balance due to Stephen Girard on the 8th January, 1812	£40,639	4	2		

## B.

*To General George Mathews, Commissioner of the United States.*

We, the undersigned, masters and supercargoes of the following American vessels and their cargoes, viz: the ship United States, of Philadelphia, James Girdon, master, George Rugan, agent for the owners; the ship Amazon, of New York, George R. Turner, master, and agent for consignees and owners; the ship Good Friends, of Philadelphia, Robert Thompson, master, and William Adgate, supercargo; being under great apprehension for the safety of the vessels and property under their charge, are induced thus to offer you a statement of their cases.

The ship United States arrived at Amelia on

the 25th of December, 1811, from Liverpool, with a cargo consisting of crates of earthenware and blankets, the property of Rugan and Rhodes, merchants and citizens of the United States, resident in Philadelphia; the ship Amazon arrived at Amelia on the 22d of December, from Liverpool, with a cargo of dry goods belonging to citizens of the United States, residing in Philadelphia. New York, and Baltimore; the ship Good Friends arrived at Amelia on the 10th of February, from London, with a cargo of dry goods belonging to Mr. Stephen Girard, a citizen of the United States, and resident merchant in Philadelphia.

The undersigned beg leave to state that, by reason of the non-importation law, they could not enter the waters of the United States. In consequence of which, they came here to wait until they could be legally admitted; having remained here from the dates above-mentioned, with all their cargoes on board, which will appear by the bills of lading, and other documents, until the late occurrences, which have placed our vessels and property under the protection of the United States. That they are fearful that, in the event of hostilities being commenced, and this being the seat of war, the property may not be safe in its present situation. Not wishing to violate any law, and deeming you authorized, we are induced, for the safety of the property in question, to request permission from you to proceed to the port of Philadelphia, under such conditions and restrictions as shall secure the property from the penalties which might arise out of the existing laws of the United States. Agreeably to your request, we lay before you the amount of the cargoes, as far as they can at present be ascertained, which we suppose will amount in all to about five hundred thousand dollars.

JAMES GIRDON,  
GEORGE DUGAN,  
GEO. R. TURNER,  
ROBERT THOMPSON,  
WILLIAM ADGATE.

FERNANDINA, AMELIA,  
March 26, 1812.

Bales 195, woollens, consisting of point blankets, common cloths, and flannels, about	£15,000	0	0
Cases 34, thicksets, velveteens, and cords	3,100	0	0
Cases 50, dimities	4,200	0	0
Fifty-two trunks one hundred and twenty-eight cases calicoes	15,000	0	0
Cases 12, checks	850	0	0
Cases 10, cotton counterpanes	480	0	0
Trunks 20, cotton umbrellas	430	0	0
Cases 28, cotton cassimeres, buff and blue nankeens	1,600	0	0
Trunks 30, cotton hosiery	1,650	0	0
Twenty-seven bales forty-eight cases cotton shirtings	6,565	5	4
One hundred and thirty-four cases thirty-two trunks colored muslins, ginghams, handkerchiefs, &c.	15,460	0	0
	£64,335	5	4

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Twenty mats wire	}	-	1,044	15	5
Three casks wire					
Fifty barrels dry white lead					
Fifty kegs dry, ground in oil					
Eight casks litharge					
			£66,380	0	9
Amount of copper, &c., purchased by					
William Adgate, about - - -			1,563	18	4
			£66,943	19	1

## C.

FERNANDINA, *March 27, 1812.*

GENTLEMEN: I have received your statement, and do not hesitate as to the justice and reason of your request; but wish, for your own interest, as well as for public satisfaction, that the mode may be varied; which may be done without militating against the essential part of your petition.

In your address to me I should prefer, to the present form, your briefly stating the names of the ships, owners, amount of cargo, the port last from, and date they were riding at anchor in these waters, under the protection of the Spanish flag, when, on the 17th instant, the flag was changed by articles of capitulation with the late Patriots of this district, and their flag hoisted; that, in the aforesaid articles, protection is afforded to shipping and merchandise of every description, and that, by the cession of the Patriots of this district, on the 18th, to the United States, through me, as United States' Commissioner, I have, in my official capacity, guaranteed the observance of the capitulation; that, unless my interference is afforded in the way and manner you point out, you expect the consequences you appear to, and I have no doubt really dread for. I fully concur in opinion with you, that the large amount of property here would be an additional incitement to the belligerents to visit this place, and am desirous to remove every source which, in its consequences, might lead to hostilities. I shall, however, require that a schedule of the property removed be given, and that you enter into bonds and security to the President of the United States, that your ships and cargoes shall be under the direction and control of the collectors of the ports to which your ships may be destined, until further orders from the Secretary of the Treasury, or the Government of the United States.

I am, gentlemen, your obedient servant,

GEO. MATHEWS.

MESSRS. J. GIRDON, G. RUGAN, G. R. TURNER, R. THOMPSON, and W. WINGATE.

## D.

EAST FLORIDA, *March 31, 1812.*

DEAR SIR: A revolution has lately been effected in East Florida, and the late province, with the exception of the town and citadel of St. Augustine, ceded to the United States by the constituted local authorities, through me, as United States' Commissioner.

Previous to the cession, the ship *Good Friends*, owned by Stephen Girard, merchant, of Philadelphia, of which Robert Thompson is master, from London, was riding at anchor in the Spanish waters of Amelia river, laden as per manifest enclosed will appear, when, on the 16th instant, the Patriots summoned the town of Fernandina to surrender. It capitulated on the 17th instant, and, on the 18th, the Patriots ceded an extensive district, including the town, waters, and islands, to the United States, through me, as United States' Commissioner. In that capacity, by virtue of powers vested in me, I took possession, with a detachment of United States troops, to hold and defend the same for the United States, stipulating, in my acceptance of the cession, to observe inviolate the articles of capitulation of Fernandina, which affords protection to property of every description—a copy of which has been duly transmitted to the Secretary of the Treasury of the United States; and, at the same time, I forwarded, with others, a statement of the leading circumstances that relate to this ship and cargo. Having a full conviction that neither the ship nor cargo will be subject to the penalties of the non-importation and non-intercourse laws, in consequence of her entering a port or ports of the United States, I have, for the following reasons and circumstances, thought proper to grant permission for her to proceed to the port of Philadelphia. I consider her now to be under the protection and flag of the United States, and in the waters of an integral part of our common country.

I have taken bond and security for the amount of forty-six thousand six hundred and twenty dollars, that the vessel and the whole of the cargo shall be delivered in charge to the collector of the port of Philadelphia, until the determination of the Government of the United States be known, as relates to her case, and that the ship and cargo shall be subject to the direction of the collector.

Besides the justice of the measure I have adopted, in ordering her a clearance, I think good policy dictates the propriety of the measure at this crisis: for she, with others under exactly, and some under nearly, similar circumstances, would probably, if they remained here, invite the attack of piratical marauders, and perhaps the belligerents, the sooner to make this place the theatre of hostilities.

I am, respectfully, dear sir, yours, &c.,

GEO. MATHEWS.

TO JOHN STEELE,  
Collector of the port of Philadelphia.

## DIGEST OF MANUFACTURES.

[Communicated to the Senate, January, 15, 1814.]

*To the Senate of the United States:*

I transmit to the Senate a report of the Acting Secretary of the Treasury, complying with their resolution of the 11th instant.

JAMES MADISON.

JANUARY 15, 1814.

*Digest of Manufactures.*

TREASURY DEPARTMENT, Jan. 13, 1814.

SIR: In pursuance of the resolution of Congress, of the 19th of March, 1812, directing the Secretary of the Treasury to employ a person to digest, and reduce to such form as shall be most conducive to the interests of the United States, a statement of the number, nature, extent, situation, and value of the arts and manufactures of the United States, &c., Tench Coxe, Esq., of Philadelphia, was employed for that purpose. I have now the honor to transmit, for the use of the Senate, two series of tables, as prepared by him, exhibiting the several manufactures of the United States, as returned by the marshals, and secretaries of Territories, and their assistants, in the year 1810, first by States and Territories, and secondly, in every county in the Union.

These tables are accompanied by two essays, or collections of facts and observations, prepared also by Mr. Coxe, relating to the state of the manufactures of this country, and the motives which exist for affording encouragement and extension to them. I have the honor to be, &c.

W. JONES,

*Acting Secretary of the Treasury.*

The Hon. the PRESIDENT of the U. S.

PHILADELPHIA, June 21, 1813.

SIR: I have the honor to transmit to you the required copies of the statement of the arts and manufactures of the United States, which it has been my endeavor to render as correct, and as plain and conformable with the views of the Legislature, as the diversities and deficiencies, in the marshals and territorial secretaries' returns, rendered practicable.

I trust that the submission of the facts in Part I, which relates to manufactures, as connected with the general principles of political economy, and the further submission of the facts in Part II, relating to the proper economy of the arts and trades, both which precede the digest of the returns, will not be deemed useless or improper. Considered as symptoms and as evidences, all pertinent facts appeared to be valuable, as indicating the true state of the body politic, in its various members and operations.

The small variation in the form of the statements, which was prepared in the beginning of last December, and the addition of the county returns, involved a transcription of the whole, and much additional clerkship, and have delayed the document until this time. The present form and substance are the best in which it has been in my power to present the authentic or official materials. The entire portion of the work, which is of the nature of *estimate*, is exhibited separately from the digest of the returns of the marshals and territorial secretaries, in order that neither might obscure or injure, and that each might contribute to illuminate and support the other.

I have the honor to be, &amp;c.

TENCH COXE.

WILLIAM JONES, Esq.

*Acting Secretary of the Treasury.**A Statement of the Arts and Manufactures of the United States of America, exhibiting*

I. A collection of facts, evincing their benefactions to agriculture, commerce, navigation, and the fisheries, and their subserviency to the public defence, with an indication of certain existing modes of conducting them, peculiarly important to the United States.

II. A collection of additional facts, tending to show the practical foundations, actual progress, condition, and establishment, of the American arts and manufactures, and their connexion with the wealth and strength of the United States.

III. A series of tables of the several branches of American manufactures, exhibiting them by States, Territories, and Districts, so far as they are returned in the reports of the marshals, and of the secretaries of the Territories, and their respective assistants, in the Autumn of the year 1810, together with similar returns of certain doubtful goods for productions of the soil, and agricultural stock, as far as they have been received.

IV. A series of tables of the several branches of American manufactures, exhibiting them in every county of the Union, so far as they were returned in the reports of the marshals, and of the secretaries of the Territories, and their respective assistants, in the Autumn of the year 1810, in execution of an instruction of Albert Gallatin, Esq. Secretary of the Treasury, given by him in obedience to a resolution of the Congress of the United States, of the 19th day of March, 1812.

## PART I.

*A collection of facts, evincing the benefactions of the Arts and Manufactures to Agriculture, Commerce, Navigation, and the Fisheries, and their subserviency to the public defence, with an indication of certain existing modes of conducting them, peculiarly important to the United States.*

PHILADELPHIA, December 8, 1812.

SIR: I have already had the honor to acknowledge the receipt of your letter of the 26th day of June last, committing to me the preparation of a statement of the arts and manufactures of the United States, in pursuance of the joint resolution of the Senate and House of Representatives, approved by the President on the 19th day of March, 1812.

The resolution of Congress is framed with a view so comprehensive, as to include all pertinent information of an authentic character, while it allows the most convenient latitude as to the form and manner; requiring, only, that the statements shall so exhibit the matter, as to be most conducive to the interests of the United States. As the tables, which will comprise the whole mass of the returns of the marshals, will exhibit many genuine parts of the entire body of our manufactures, as they existed in the year 1810, it appeared expedient that they should be preceded by certain fundamental and relative facts, which may contribute more fully to display the objects of investigation, in their bases, commence-

*Digest of Manufactures.*

ment, progress, and actual situation, and facilitate public and private measures in this branch of the national industry, and in other branches, to which manufactures have a great and permanent relation.

As some of the facts are of a nature favorable to the landed interest, as some of them are beneficial to foreign commerce, and some of them are advantageous to the business of the fisheries, it is deemed most convenient, in this part of the exposition, to class them under those three several heads and relations. It has also appeared proper, separately and distinctly to present, in this first part, another class of facts, which shows the connexion of manufactures with the public defence.

It is considered as a very interesting and fundamental truth, that manufactures facilitate the first struggles of the American settlers for decent comforts, thrifty profits, and farming establishment.

For the purpose of effectually testing the correctness of this allegation, two measures have been adopted. The first of these measures is an examination into the state of manufactures, in four several sparsely settled districts of our country, which, in 1810, had been recently laid out, according to the nature of the places, for future establishments as counties. The inconsiderable population, within these four intended counties, exhibits the infantine condition of their respective settlements, in that year.

A note of the persons of both sexes, within four of the districts of Pennsylvania, intended to be organized as counties, when sufficiently populated, and of the stock of animals, producing materials for manufactures, with the implements, &c., for the operations of manufactures, and the goods made in the year 1810, so far as they are returned by the Marshal's assistants.

IN THE NORTHWESTERN QUARTER OF THE STATE.	McKean co.	Jefferson co.	Clearfield co.	Warren co.
Men, women, and children - - -	142	161	875	827
Common sheep - - -	7	164	590	495
Neat cattle - - -	123	140	641	963
Looms - - -	1	7	28	28
Spinning wheels - - -	10	24	180	141
Hand cards, pairs - - -	14	20	91	94
Woollen cloth, yards - - -	52	200	-	160
Flaxen cloth, yards - - -	125	1,318	4,300	6549
Cotton cloth, yards - - -	54	-	1,306	578
Mixed cloth, and hempen, yards - - -	-	-	1,461	1811

In these new and widely scattered settlements, where foreign consumers have yet no agents, the mere presence of a few sheep and cattle, supplying wool, hides, skins, and horns, and tallow and other fat, as materials for manufacture, (that is to say, the presence of the raw materials,) occa-

sions the corresponding manufactures. In such places, profit, comfort, and necessity, appear to invite, or rather to compel, the farmers and their families to that mode of industry. The returns of the assistant officers, necessarily everywhere defective in this first experiment, must be extremely imperfect in settlements so widely separated. Carriage makers, blacksmiths, hatters, shoemakers, tailors, domestic makers of garments, and other manufacturers, known to exist among recent improvers and in old establishments, are omitted, or did not appear to the officers. Boards, pot ashes, and maple sugar, are also omitted by the marshal or his assistants. It is observed, that the surplus industry of these new settlements is applied to the manufacture of cotton from the Atlantic or the Mississippi. The second measure of examination, to ascertain that manufactures commence with our first settlements, and aid their progress in its earliest stages, relates to the interior State of Ohio, the youngest member of the Union in 1810. It will be remembered, that a number of the Revolutionary officers and soldiers commenced the settlement of that State, originally a part of the Northwestern Territory, soon after the peace of 1783; that the French settlement at Sciota was made a few years later; and that these were followed by the settlements of emigrants from various States, and particularly, of a great number, who improved the tract on Lake Erie, granted to Connecticut. The settlements in the State of Ohio were very much retarded and confined by the detention of the western posts and by the Indians, till after the victory of the Miami, under General Wayne, in the year 1794. Within the fourteen years which preceded the taking of these accounts of manufactures, in the Autumn of 1810, the settlements in the State of Ohio were principally commenced. Its whole population, according to the census of that year, was 230,760 persons, whose comfortable condition and prosperous agriculture were occasioned, maintained, and manifested, by a number of manufactures, of which, and of the connected instruments and machinery for which, the following is the imperfect official summary:

The whole number of looms in the State, actually returned is, 10,856—1,943,433 yards of linen, woollen, and cotton goods, &c. - \$999,538  
 217 tanneries, making leather worth - 153,581  
 1,212,266 gallons distilled spirits, and  
 35,140 gallons beer - - - 584,892  
 Cut nails - - - - - 64,723  
 Iron made; machines for carding wool and spinning cotton; fulling, paper, gunpowder, and oil, mills, - 159,636  
 3,023,806 pounds of maple sugar, (which may be deemed questionable, as to its classification as a manufacture) - - - - 302,380

\$2,264,760

Considerable as this amount is, the important fact will not escape notice, that shoes, boots, saddles, bridles, harness, fur and wool hats, common



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smiths' work, knit stockings, the making of garments in shops and families, manufactures of wood, soap, candles, pot ash, wares of metal, (exception,) watches and clocks, and various other things, actually made, are omitted. To subject the raw materials of the State of Ohio, wrought into these manufactures, to the expenses of transportation to the Atlantic ports of Canada, or the United States, and to import such substantial, large, and heavy supplies from the usual ports of Europe and Asia, and to transport them into those interior settlements, would discourage or deter all new migrators towards that young State; and would involve its present population in much distress, if not in ruin. The domestic manufacture of cotton appears in counties of Ohio which do not produce that raw material.

In further evidence of the favorable effects of manufactures upon our interior settlements, those of the county of Washington, on the western boundary of Pennsylvania, may be correctly adduced. Its whole population, in 1810, was 36,289 persons. Its sheep, more numerous than those returned by any other county in the State, were 47,206. Its spinning wheels, 8,763. Its looms, much the greater part of which are supposed to be worked by male weavers, regularly in the trade, 1,774. Its hand cards, 4,115 pairs. Its carding machines, 6. Fulling mills, 12. Distilleries, 301. Blacksmiths' shops, 146. Hatters' 20. Saddlers' 19. Shoes and boots, 37,000 pairs. Coopers, 62. The yards of goods made, 570,773; and bricks, 913,000. These, with the goods made in its oil mills, saw mills, powder mills, tanneries, and other manufactures and works, exhibit a value of goods, exclusively of flour, of \$1,630,000. As the boroughs, towns, and villages, of Washington, in Pennsylvania, do not contain more than a twentieth of its population, the benefits of manufactures, when conveniently or closely adjacent to agriculture and the landed interest, are clearly displayed. Tracing this case to a national result, it will be found, that the whole population of the United States, in 1810, combining agriculture, the productions of nature, and manufactures, with the same success, would have exhibited an aggregate value of manufactured goods, nearly amounting to three hundred and twenty-five millions of dollars.\* The quantity of the manufactured meal of Washington is greater than that of any other county of Pennsylvania. Its number of horses is greater than that of any other, one excepted. Its number of neat cattle is greater than that of any other, except four. It has not one open or worked mine of any metal, nor a furnace, nor a forge, on the return of the marshal.

Pursuing the current of facts from this Western scene to the banks of the Susquehannah and Schuylkill, it is found, that the counties of Lancaster and Berks, with a joint population of nine-

ty-seven thousand and seventy-three persons, manufactured an aggregate value, including flour, of \$5,055,000. Twelve other counties of the same State, from the head of the Ohio river, to the banks and county of Delaware, respectively, exhibit similar manufactures, exceeding, on a medium, one million of dollars. The manufactures of the limited but swarming county of Philadelphia, exclusively of the incorporated or city part of the entire town, and deducting all the flour and meal, amount to \$6,070,652. The manufactures of the city of Philadelphia, within the strict chartered limits, (not including any of the suburbs or liberties,) containing, on twelve acres of land, 53,722 persons, amount to \$9,347,767. The manufactures of Pennsylvania, on twenty millions of acres of her settled lands, including her flour and meal,\* and other doubtful articles, appear, by the return of the marshal, to amount to \$44,292,093. This return is considered by that officer, and his most intelligent assistants, to be very considerably defective. It has been selected, however, for the preceding exhibition, because, in combination with the return of Ohio, it displays the state of manufactures through an extent of country exceeding fifty millions of acres, commencing at the distance of 530 miles west of Philadelphia, where its very recent settlements are interspersed with Indian cabins, and terminating in the Southeast with a great emporium of manufactures, navigation, domestic trade, and foreign commerce. A vast redundancy of land exists in this middle district; for the total population of Ohio and Pennsylvania, in 1810, was 1,048,808 persons, upon one-fifth of their joint soil. But this redundancy of land is accompanied by abundance of mill seats, of fossil and wood fuel, of mineral and calcareous substances, of bark, dye-woods, sugar trees, clay, marble, building timber, and other natural raw materials, ingredients, and necessities for the manufactures. This redundancy of land also furnishes, upon the cheapest terms, all that belongs to sites for the establishments of the operators, and for the farms of the growers of the raw materials. Hence, we find the sheep of Pennsylvania nearly 619,000; her neat cattle more than 612,000; her horses 255,000; her flour and meal, and grain liquors, worth more than fifteen millions of dollars. Her manufactures of iron and leather, nearly eleven millions in their joint amount. These facts, from the most considerable return, are respectfully adduced and rendered prominent, in order to evidence, by the relative truths, the actual and substantial benefits of manufactures, adjacent to agriculture, in our half settled districts.

The State of Vermont, though its straggling settlements were commenced under numerous disadvantages, but a few years before the Revolution, presents a body of manufactures, almost exclusively from its own productions, of \$4,325,-

\*Pinkerton, in one edition, states the total value of the manufactures of England at 63,200,000 pounds sterling, about 280,000,000 of dollars. In another edition he states them at 67,200,000 pounds sterling. They exclude some things, which we include.

\*The flour and meal are worth, by the marshal's report, 10,800,290 dollars. The unsettled lands of Pennsylvania are supposed to amount to nearly 8,000,000 acres.

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824, effected by a population, on farms, in hamlets, and in villages, of no more than 217,805 persons. Its spinning-wheels, more than one-half of which are for wool, the most numerous in proportion on the returns, are 67,756; its looms 14,801; its carding machines, 139; its woollen goods, 1,207,976 yards; its flaxen goods, 1,359,931 yards; its hats, 96,760; its shoes and boots, 304,282 pairs; its maple sugar, 1,200,000 pounds. Its saddlery is valued at \$127,840; its tanneries, at \$386,500; its iron foundries, tilt hammers, and forges, are 104; its oil mills, 26; its paper mills, 11; its fulling mills, 166; and its naileries, 67. The goods made in its smiths' shops, printing offices, and pot-ash works, and by its bookbinders, brush makers, carriage makers, tallow chandlers, and soap boilers, coopers, clock and watch makers, copper smiths, tin-plate workers, silver-smiths, and other existing manufacturers, are omitted in the return. They are certainly very considerable in value.

The State of Kentucky, a recent establishment, and much later than Vermont, exhibits, on her return, \$4,120,683, and Maine, with nearly as much land as the rest of the Eastern States, drawn, of course, from manufactures by agriculture, and by commerce, navigation, and the fisheries, returns home-made goods to the value of \$2,137,781. In the reports from each of these States, numerous existing branches are entirely unnoticed. Similar omissions, great and evident, appear in many instances. But a very impressive fact, evincing the real and natural connexion between the planting and farming citizens, and the manufacturing branch of the national industry, is the possession and employment of about 122,719 looms by Virginia, North Carolina, Kentucky, and Tennessee, which differ little from six-sixteenths of the whole number of looms in the United States. It appears, that, in the South, the presence of the various raw materials, and still more the great redundancy of cotton, have excited innumerable and valuable manufactures. It is believed that it is to the excitement produced by the presence of the finest marbles, more than to a peculiar eminence of genius, that the Greeks and Romans owe their possession of the beautiful and the grand fabrications from those materials. The invention of statuary occurred in Egypt, but it did not rise to any perfection, in a country destitute of fine marble.

It is a fact of great importance in this statement, and on the subject of the relation of manufactures to the landed interest, that none of its productions, whether of natural growth or the fruits of cultivation, in the Middle, Northern, and Eastern States, which can be considered as raw materials, are now exported, in an unmanufactured state, to foreign markets. The manufacturers may be said to purchase and employ a quantity equal to the whole; for, if small parcels have been lately exported, much greater quantities of similar foreign articles have been introduced from abroad. The landed interests have no actual foreign purchasers for their wool, flax, hemp, hides, and skins of domestic animals, and various

metals. The tables compiled from the marshals' returns, will display a very great value and variety of goods, made of those materials, and the returns of imports, and other documents, justify the allegation, that importations of similar foreign materials, to the amount of forty or fifty millions of pounds weight, for the purpose of manufacture, were made in each of several years preceding the season of the returns. The momentous fact is, therefore, satisfactorily established, that the American manufacturer's demand has greatly surpassed all the abilities of the planters, farmers, land holders, and miners, to supply those five descriptions of raw materials. In the same situation, all our crude sugars and molasses, produced in Louisiana, if considered as materials for manufacture, are placed, by our refineries and distilleries.

*Cotton.*—Until the late revolution in the cultivation of cotton, by which it was converted, through the strenuous exertions of the friends of manufactures, from a petty object, in little fields and gardens, into an article of extensive cultivation among the planters and farmers, there was no redundant raw material for the manufacture of cloths and stuffs for apparel and furniture in the United States. There is, at this time, no other redundant raw material.

The green seed cotton was the best adapted to the general quality and situation, and to the climate of the Southern States. But, its easy cultivation was very much restrained by the extraordinary difficulty of separating it from the seeds. This operation required so much manual industry as greatly to impede the manufacture, and of course, for the time, to prevent an extensive cultivation. In the year 1793, the invaluable saw gin was invented by a citizen of the United States, and was so improved and perfected as to render it easy, it is said, to separate the seeds from one hundred millions of pounds weight of cotton wool, by the employment of three or four hundred persons, although it is alleged that it would require three hundred thousand persons to effect the same by hand. The inventor of this gin states the difference between its operation in common hands, and the ordinary manual operation, at one thousand to one. By the employment of this machinery, every vicinity can, easily and expeditiously, prepare its cotton for the manufacturing cards, and that, in the aggregate, to any extent that the world could require, were it to clothe itself entirely in cotton manufactures. Thus has there been added, by our own invention, to the machinery to facilitate the manufacture of a staple production of our soil, a single improvement, moveable by water, steam, cattle, or hand, which has set loose those immense powers of agriculture, to produce cotton wool, which were before enchained.

In pursuing the statement of facts which manifests the aids of manufactures to the landed interest, the next step, from the American saw gin, is, to the system of machinery, to make cotton yarn.

The water-spinners of cotton, in one of the States, have represented to the marshal that the

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can make eighty-two pounds and one half of yarn, by each spindle, within every year. But the owners of other spinning mills deem it unsafe to calculate on more than fifty-two pounds of yarn, per annum, for each spindle. The quality of the yarn under consideration is said to be suitable for cotton cloth of twenty-seven inches in width, worth forty cents per yard. At the lowest of the rates, the United States, had they 1,160,000 spindles, could work up into yarn, the sixty-four millions of pounds weight of cotton, which are the maximum of our exportation in any one year. In a proportion, corresponding with the table in page 10 of your report in part, on the subject of manufactures, this number of spindles would require a capital of nearly seventy millions of dollars. But this would be as well in real estate as in the cash, and other personal property, and loans, and purchases on credit. Sixty-four millions of pounds of cotton, in the proportion of the same table, in page 10, would produce about fifty millions of pounds of cotton yarn, and with the labor, in the proportion of the same table, of about 58,000 persons. Of these, no more than one eighth part ought to be adult males; the remaining seven-eighths might be women and children. This employment of less than a hundredth part of our white population would be no inconvenience to agriculture or commerce. As the cotton spinning mills are increased in magnitude, a smaller proportion of capital will be required.

The yarn thus manufactured, at a price twelve and a half per cent. less than that in the table of the report, page 10, (which appears to be one dollar and one-eighth per pound,) would amount to fifty millions of dollars—a sum exceeding the average value of all the exports of American articles, in the three most favorable years. This great production is from the water and steam manufactory of the exportable surplus of a cotton crop, worth, at twelve and one half cents per pound, eight millions of dollars.\*

But, if the weaving of this yarn be executed, as it may be, with perfect ease, by the employment of 100,000 women, (less than one-sixth of our adult females,) with the fly shuttle, during one-half of each working day in the year, the quantity of cloth, by the Rhode Island rule, of four yards for every pound, would amount to about two hundred millions of yards. This quantity of cotton cloth, at one-third of a dollar per yard, would be worth about sixty-seven millions of dollars.

There is yet another operation, which can be effected by labor-saving means, and by a process superseding the labor of many hands. Machinery is now in actual operation, in the United States,

\* Cotton yarn, of No. 73, was worth, in England, A. D. 1787, 36s. 6d. sterling, or \$8 11 per pound. Such yarn, in 1792, was reduced to 9s. 8½d. sterling, or \$2 16 per pound. In 1807, the same No. 73 was worth 4s. 4½d. sterling, or 97 cents per pound. Cotton machinery was not generally extended, in Great Britain, till the year 1780, when it continued under a monopoly. We had not begun to raise cotton crops for exportation, nor invented the saw gin.

for printing cotton and linen cloths, by engraved rollers of copper, moved by water. Ten thousand yards have been printed with ease in a single day, by one man and two boys, with these rollers. Fifty thousand children's handkerchiefs have been printed in the same time by the same number of persons. Similar means are in constant use for staining or dyeing cotton and linen cloths of one color, in the same expeditious manner, so as to make them fit for a greater variety of apparel and furniture. Were these operations to be performed upon the whole quantity of cotton goods estimated in this statement, they would add seven or eight millions of dollars to their value, and would require but fifty or sixty thousand men and children. The aggregate value of our surplus cotton, (64,000,000 lbs.,) even when thus simply manufactured by 210,000 persons, would be raised from eight or nine millions of dollars to seventy-five millions of dollars. The total addition to the original value of our cotton crop alone would be at a rate far exceeding the value of our exports of American growth.

To manifest the importance of such operations to the landed interest, it may be safely affirmed that sixty-four millions of pounds weight of clean cotton wool, freed from the seeds, can be produced, on a low average, by half a million of acres of unmanured land. A quantity of cotton wool, equal to all that is now produced by the civilized and uncivilized nations of the world, could be raised on a very small portion of our Southern soil.

Such are the benefits which agriculture and the country at large may derive from the manufacture of our only redundant raw material. The States of Rhode Island and Massachusetts have expelled all doubts about the practicability of the cotton operations. With the smallest territory in the United States, Rhode Island has already attained and introduced into her vicinity\* a cotton branch of our manufactures, as valuable as the cotton branch of any country in Europe was, at the time of the formation of our present Constitution.† The neighboring States of Massachusetts and Connecticut quickly followed Rhode Island; and the tables, which are annexed, imperfect as they unavoidably are, manifest the universality and magnitude of the cotton manufacture in 1810. If a very sober prudence shall estimate the value of the water spun and steam spun cotton yarns, at the prices for which they can be imported, without profit, from Europe, there will remain an opportunity for much lucrative business in works, and very great accommodations and savings in private families, especially in the Southern and Western States and districts. This allegation will not be doubted, since the

\* Massachusetts is also great in the cotton branch.

† The quantity of cloths and stuffs, for clothing and furniture, which could be made by the United States, in proportion to the population and manufactures of Rhode Island, in 1810, would be 243,000,000 of yards, according to the marshal's return, which he considers as materially defective.

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State of Georgia, with a white population of one hundred and forty-five thousand four hundred and fourteen persons, manufactured, at the date of the last census, more yards of various cloths and stuffs than Rhode Island. The difference in favor of Georgia was one million five hundred and forty thousand yards. By the proportion of this frontier Southern agricultural State,\* the white population of our country might be proved to have been capable of manufacturing, in 1810, assorted cloths and stuffs, of the various raw materials, to the amount of one hundred and seventy-two millions of yards. These facts illustrate the state of manufactures in one of the most agricultural and in one of the least agricultural States, before the recent increase of the port duties upon foreign manufactures, and the voluntary or unforced course, which those two dissimilar States have respectively taken, in manufacturing their cloths and stuffs, for furniture and apparel, out of the various productions of our own lands.

*Wool.*—The facts which will be presented in evidence of the present influence of the woollen manufacture upon the landed interest are numerous and important.

There does not occur to present recollection any raw material, in which the hand of Providence has made so great a diversity of quality and value, as exists with respect to sheep's wool. Each description has its proper uses and capacities. The climate in which the sheep is brought forth, raised, and maintained, is considered by many as a circumstance of the utmost importance. A standard by which to determine the correspondence of places in all those particulars which constitute climate, appears therefore to be a great desideratum, and is most likely to be found in natural objects. Some vegetable production, of peculiar characteristics, indicating the same degree of temperature, wherever it is found, was presumed to be probably existent. It is believed that, until a more sure and more accurate standard object can be thought of or discovered, the *Aurantia Sinensis*, or the *China* or *Sweet Orange*, may prove an useful natural instrument to ascertain a climaterial correspondence of a line of places, on the European and North American continents, from which we may safely begin to count the minutes and degrees of temperature, at least for agricultural and manufacturing purposes. The vicinities of Lisbon, in the old world, and St. Augustine and New Orleans, in the new, produce this delicate fruit in the highest perfection, and will be considered as justifying the temporary assumption, subject to correction, that the climates of places, in the Atlantic States, correspond in temperature with those of Europe, not being insular, which are nine degrees of latitude more Northern.†

\* In the year 1807, Georgia had only one-eighty-fourth part of the tonnage of the ships and vessels of the United States.

† The production of the sugar cane, and of the cotton shrub or tree, in Spain and America, may also be considered.

An application of this guide to the production of wool, in the United States, gives the following results :

The best wool in Great Britain, is in the Western Islands of Scotland, and is very fine. North latitude in Europe 58°—equal in America to 49°.

The next quality is the wool of Herefordshire, England, and is very good. North latitude in Europe 52° 20"—equal in America to 43° 20".

Saxon wool, the best German, very fine. North latitude in Europe 51° 40"—equal in America to 42° 40".

Rousillon, French wool, very fine. North latitude in Europe 42° 50"—equal in America to 33° 50".

Spanish merino wool, from North latitude in Europe 44 to 39°—equal in America from 35 to 30°.

From the very fine quality of the Scottish Western Island wool, (which is said to be from the merino breed of sheep, obtained accidentally so long ago as A. D. 1538,) from the excellency of the Scottish Shetland wool, and from similar qualities of the wool of Saxony and of the ancient wool of Berri, and the modern wool of Rousillon, in France, there is reason to believe that the climates of Europe, capable of producing undegenerate merino sheep, extend considerably beyond and to the North of Spain. But the classification is given here with exactness; and certain fine wools of Denmark and Sweden might be added. If the political disconnexion of France occasioned her not to possess the breed and the pastoral regimen, necessary to the production of the finest description of wool, the perfect freedom of agriculture, and the actual diffusion of all legitimate advantages in every mode of business, in the United States, will soon enable us to ascertain the extent in which we possess the proper Cis-Atlantic latitudes. There appears no reason to doubt that the precise temperatures of the most favorable and most esteemed sheep walks of Spain are to be found within our territory.

It is considered that a dry air is very favorable to the health of sheep, and to the fineness and delicacy of their wool, and it is believed that the United States may entertain a just confidence in the success of their woollen manufacture, from their enjoying an atmosphere of this character. The most successful woollen manufacture in the world, is found in an insular and humid situation. Our success may therefore become superior.

It is considered that no part of our territory is too far South for healthful sheep and fine wool. This fact is worthy of particular estimation, because it has been erroneously suggested, that the tropical climates convert the fleeces of sheep into hair. Since St. Augustine is of the temperature of Lisbon, our territory on the Gulf of Mexico must be more cool than the South of Spain, Barbary, the South of Italy, Greece, Egypt, the land of Canaan, and the greater part of Persia and Thibet, in which countries the most ancient histories and the most recent information concur to prove the abundance of sheep, and the excellence of the wool. Even in the ardent climate of Peru, there abound certain indigenous wool bearing

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animals,\* one race of which produces fleeces of the finest quality.

The breeds of sheep which have prevailed in the United States, till within a few years, have not been of the heavy fleeced character, except in a very few valuable instances. But, since the introduction of the Spanish merinoes, and the attraction of the public attention to some of the breeds, whose fleeces were observed to be heavy, or which are adapted to the comb, numerous experiments afford the strongest reason to believe that sheep, in this country, will be great wool bearers, according to their respective breeds. The annual shearings and exhibitions display much detailed and satisfactory evidence on this point.

Of the productions of agriculture and husbandry among the civilized nations, sheep employ the smallest number of persons, according to their value. The raising and maintenance of sheep are, so far, peculiarly adapted to our circumstances, as to extent of territory, and moderate population. Sheep are then a convenient object for the United States, as they employ more land than any other production, and we have more than we can cultivate or employ. Holland is forbidden, by her very limited soil, to be extensive, though skilful in the woollen manufacture; and imports, by her canals, most of the flax and yarn of which she makes her linens. The United States, on the contrary, are capacitated and invited, by their extensive territory, to rise, with ease and singular rapidity, into eminence in the woollen branch. The sagacity and energy of Rhode Island have given her the first comparative importance in cotton mills and establishments; but the young settlements of Maine and Vermont, by means of their more extensive territories, have enabled each of them far to exceed her in sheep, wool, and woollen manufactures. England and Wales, with only thirty-four millions of acres of land, and twenty-six to twenty-nine millions of sheep, have been said to produce one hundred and forty-five millions of pounds of wool, in every year;† and to sell to other nations more woollens than the rest of mankind exports. The English and Welsh population is about ten millions; but their progress in the production of wool seems to be arrested by the want of soil for grain, cattle, horses, and plantations of trees. Britain imports all the wool she can purchase, and pays immense sums to Ireland and to foreign countries for bread and meat, wood and timber, iron, flax, hemp, and skins, for her European and foreign dominions, armies, navies, and manufactures. Scotland, with a very sagacious, economical, and energetic population, is the least favored of the civilized nations, as to the quality of her soil. She conse-

quently exports very few woollens from her own agriculture. It may be affirmed, then, in safe contradiction to ancient opinions, of our own and of Europe, that the abundance of the soil of the United States qualifies and irresistibly invites or impels them to continue, improve, and extend, the woollen manufacture.

The case of the Western Scottish islands, in which some stranded, captured, and fugitive vessels of the Spanish armada are believed to have left, in the year 1598, some Castilian sheep, establishes the truth, that poor dry lands will preserve, in a considerable degree, fine wool in a breed of sheep, even in a moist and rigorous climate, where the lightness of the soil has stunted the stock of the animals, and reduced the weight of the fleece; for these Scottish sheep are very small, and bear little wool. The proper temperature, dry situations, the proper lightness of food, greater care of the fleeces, in the time of growth, and increasing skill in the important operations of the wool sorter, insure us a very rapid attainment of fine wool. It must soon be more than we can want at home. But exportation takes off the woollens of a single European nation, from their own raw materials, to the amount of twenty millions of dollars, with a considerable addition from foreign wool.

The examples of all the fenny or marshy districts of Great Britain, establish the truth, that the unoccupied swamps of the United States, when they shall be properly drained, will support the heavy fleeced breeds of long woolled sheep, much of the fleeces of which is adapted to the comb, and is necessary for the "worsted" or "stuff" manufacture, for the ordinary hosiery, and for well coated blankets.

At this moment we possess, unused, a superabundant quantity of fenny, marshy, boggy, or swampy land, capable of sustaining more of the long woolled or heavy fleeced sheep, than we can want for our own use, and promising to our merchants an export trade. The most notable quantities of these lands are in the maritime counties of North Carolina and Virginia.\* These large, heavy fleeced, and long woolled sheep, require to be well fed. Mixing the long woolled and other breeds, and a right management, produce great benefits to the farmer, and to the hosier class of manufacturers.

It is considered that there were at least thirteen or fourteen millions of pounds of wool sheared in the United States, in the year 1810; and that the growth of wool in the year 1812 has been twenty to twenty-two millions of pounds. There are some who believe the quantities to be rather greater, because the increase is in a large compound ratio. One-half of the young are females, and the males are wool bearers, till they are exported or consumed. Much more care of sheep is generally observable. The fleece, while growing, is better kept. There is much more care and opportunity for choice as to breeders. The merino

\* Lama, properly Runa, like a small Camel; Guanaca, and Vicuna; of which the Pacos is a species. See the skin of this animal, with its wool, hair, teeth, and hoofs, in Peale's Philadelphia Museum.

† Luccock, of Leeds, states the wool of England and Wales to have been, in 1805, about 94,500,000 pounds.

\* Romney marsh, in England, maintains above four sheep, for each acre, on a medium.—Luccock.

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fleece is heavier, as well as finer, than the country breeds. The embargoes, foreign restrictions, spoliations, war, and high freights, have diminished exportation; and rendering other meat and fish more difficult to sell, and combining with other causes, have doubtless affected the consumption of mutton. There has been at the same time a considerable importation of wool, and a great importation of fine wooled and heavy fleeced sheep. It is probable that no country has ever effected so great changes in the value and extent of its stock of sheep, as the United States, within a few years. There is the strongest encouragement to persevere in the preservation, multiplication, and improvement, of these animals.

The improvements in the manufacture of wool, and in the means of conducting it, have been very considerable. Carding machines have been introduced, to the number of 413, in the single State of New York. The wool picking machine also saves labor. The manufactory of hats, consuming more wool, with few hands, than any other of the ancient modes, is carried to the extent of our consumption. We begin to export hats. The European improvements to save labor, in spinning wool, have been brought into extensive use. Fulling, a labor saving process, is greatly increased. It was formerly, as in hatting, a manual operation. More, than formerly, of our wool is used in those manufactures, which do not require regular fulling, such as flannels, and goods made of combed wool. Dying is much improved by the modern aids of chemistry. The fly shuttle, which saves labor, is constantly multiplied. The loom and the weaver are much improved. Female aid in manufactures, which prevents the diversion of men and boys from agriculture, has greatly increased. Children are employed as well as the infirm and the crippled. The asylums of the poor and unfortunate, and the penitentiaries of indiscretion and immorality, are improved and aided by the employment and profits of manufactures. In the section of the Union occupied in part by colored laborers, decent and comfortable hospitals have been established upon some of the planters' estates, in which children, convalescents, aged persons, and married females, for a proper time before and after puerperal occasions, have been employed with humanity and advantage, in manufacturing cloths and stuffs, for apparel and furniture.

Modern improvements in the stocking loom, and in the shearing of woollen cloths, have been introduced into the United States, and there can be no doubt that the current of acquisition of the means of the woollen manufacture has fully equalled the great and manifest increase of the raw material. Indeed, it may be safely affirmed, that the manufacturer's demand has continued to exceed the farmer's ability to supply the various descriptions of wool. The sheep were formerly a mere object of domestic economy and convenience, and have at length become a great and universal object of agricultural profit and wealth. Besides the increase in the number of sheep, and the goodness of wool, the price of the three estab-

lished qualities has sustained an addition of fifty per centum.

**Iron.**—In the iron branch, the consumption of that most useful natural production takes place in a manner yielding an accumulation of benefits to the landed interest. This is displayed in various labor-saving nail mills, the improvements in the easy operation of casting iron and steel, the very rapid progress in the wire manufactory, the sudden creation of private armories and military foundries, the multiplication of the rolling and slitting mill, the boring mill, the grinding mill, the polishing and metal turning machinery, the tilt or trip hammer, the wool card making machinery, the nailed shoe, the manufactories of surgical instruments, of cannon ball and shells, the machinery for making screws, the saw, file, and edge tool manufactories, the multiplication of steel and common furnaces, bloomeries, and forges, the innumerable black and white smiths' shops, for every iron implement and necessary of farming, planting, manufacture, and navigation. The benefits to the landed interest, from the consumption of so great a quantity of iron, fuel, food, forage, and building materials, and the employment of so many cattle and mill seats as the iron manufacturers require, are great and evident; but the aid to agriculture, from the abundant, cheap, sure, and adjacent supply of iron work, for every purpose of the garden, the field, and the family, is incalculable and indispensable. Not a building for man, for cattle, nor for the safe keeping of produce or merchandise—not a plough, a mill, a loom, a wheel, a spindle, a carding machine, a fire arm, a sword, a wagon, or a ship, can be provided, without the manufactures of the iron branch.

**Leather.**—The manufactures of hides and skins are of great importance to agriculture. The coats of animals, nearly excluded, by the introduction and improvements of the cloth manufacture, from their original uses in making garments, would become a mere offal, but for their present employment in leathern goods. Bark, abounding every where in America, is redundant in new settlements, where the tanning business facilitates the destruction of the forests, which obstruct agriculture. This manufacture has an additional value in producing a market for lime. A method of splitting skins has been invented, and an improvement in making shoes, which saves four-fifths of the workmanship, has been discovered. The uses of leather are of the utmost importance to health, the facilitation of industry, the diffusion of knowledge, and the military operations of the United States, by land and sea. The shoes, boots, and slippers, manufactured in 1812, undoubtedly exceeded the value of all the manufactures imported in the first year of the present Government, which, by the actual return of November 30, 1791, were worth here only 15,295,638 dollars. The shoemakers' wares of the entire State of Massachusetts, through the production of handicraft, are equal, in their total value, to its proportion, according to its population, of one moiety of the exports of goods of our growth, pro-



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duce, and manufacture, in the most favorable year. Were shoes, boots, and slippers, manufactured in the same proportion to numbers in all the States, they would be equal in value to twenty-four millions and sixty-seven thousand dollars. The cordwainers' purchases are the greatest support of the leather branch. Upon an examination of the number of shoes, boots, and slippers, saddles and bridles, harness, carriages, (many of which have leathern boots, tops, curtains, and aprons,) drums, gloves, leathern breeches, rigging, and other hides for ships and vessels, bound books, manufacturing cards and carding machines, military equipments, and other leathern goods, there will appear no reason to doubt, that a value of leathern manufactures is annually made in the United States, fully equal to that of half our exports of our own productions and manufactures. These are real necessities or plain conveniences. The Americans consuming more animal food than any other people, in proportion to our numbers, being near to the greatest foreign sources of unmanufactured hides, and being invited to sheep, swine, and cattle farming, by our own redundant soil, with cheaper water and land, proper oils, lime, and bark, for the leather making business, than any other country, our leathern branch must continue to be very considerable, and rapidly to extend and improve. It is not doubted that it is at present equal in value to the same branch in any other country, in proportion to the population, if the same qualities of goods be estimated at the same prices. These facts, in relation to the leather branch, are of peculiar importance, as it is a manufacture by hand and not by machinery. They prove our capacity even in the handicraft branches.

*Flax.*—The manufactures of flax, existing in every part of the United States, afford conclusive evidence of the universal ability to produce this raw material. Agriculture might, therefore, be more considerably supported by it, if there were occasion. But the easier production and manufacture of cotton occasions a small and proper degree of attention to flax in the greater part of the southern section of this country. As flax requires but a small quantity of land, especially where a great stock of farmer's animals produces abundance of manure, its cultivation and manufacture are particularly convenient and important to the fully settled districts which do not yield cotton. Our climate is favorable to bleaching. In Connecticut, though much advanced in cotton spinning, there is returned a diffused manufacture of various linen cloths, (besides sewing thread, linen chain for mixed goods, tapes, bobbins, fringes, lace, webbing, &c.,) equal to the yearly rate of three dollars and five cents and one-half per head, which is at the rate of 22,081,704 dollars for the whole population of the United States. Yet Connecticut has many convenient seaports. Her return, too, is considered to be materially short. Vermont makes linen at a nearly equal rate. Two hundred thousand spinning wheels (of which about two-fifth parts are probably employed on flax) in the two States, whose returns of that very useful and general little machine, are the most

complete, give an additional evidence of the present condition of this manufacture. But for the growth of cotton, the flax manufacture would have become very great. Many families in the United States derive their origin from nations the most successful in the linen manufacture during our two centuries. Such of the States as may not very greatly increase their sheep, for want of land, or for other reasons, will be particularly accommodated by the cultivation and manufacture of flax. Oil mills, for crushing and pressing flax seed, have been so multiplied within a few years, as to prove the extension of the linen branch, and materially to benefit the growers of flax, especially those whose distance from the seaports prevents recourse to foreign markets in disposing of their seed. The actual extension and improvements in all the arts and trades which employ paints, are favorable to the sale of flax seed oil. The economy and beauty of painting all wooden and many other constructions, especially the preservation of those which are exposed to the weather, occasions the manufacture of this oil greatly to increase in quantity and value. The use of the oil cake yields a benefit to the country. Modern, and particularly recent improvements in dressing, spinning, weaving, and bleaching flax, have greatly facilitated the manufacture of this raw material. The United States are perfectly prepared for such an extension of it as to maintain a steady demand equal to our power conveniently to raise flax; wherefore, agriculture will certainly continue to be extensively and very considerably aided by it, in all places which are without the region of the cotton cultivation. We have regularly imported flax from the distant markets of Russia, because the demand of the manufacturers could not be satisfied by all the exertions of our farmers. This was the case before labor-saving machinery was introduced, which adds to the proof of our capacity for even handicraft goods or proper manufactures.

*Hemp.*—The ability to produce hemp is enjoyed by every State in the American Union. Soil, climate, industry, machinery, situation, and the possession of capital in the shape of the raw material, appear to have carried this branch to the greatest height in the State of Kentucky, even since the extension of the cotton culture in that quarter. The marshal reports a production, in 1810, of 5,755 tons, in the prepared state. But, as there are made, in Kentucky, 453,750 yards of hempen bagging cloth, for packing cotton, and one thousand nine hundred and ninety-one and one-half tons of cordage, and much yarn; and, moreover, as the various hempen, flaxen, cotton, and woollen cloths and stuffs, of that State, in 1810, are reported to have amounted to 2,216,526 dollars, it is manifest that the landed interest is much assisted by the hempen manufacture.\* Im-

\* It appears that, if the United States were to manufacture cloths and stuffs, in as great a degree as is reported by Kentucky, (which has no seaport,) in proportion to the whole population of that State and of the Union, our manufactures of such goods might

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improvements in the process for separating the fibres of hemp from the woody part, labor-saving machinery to manufacture it, and skill in the cultivation, resulting from the introduction of experienced manufacturers, have enhanced the aggregate value of hempen goods, and increased their importance to agriculture. So much greater has been the demand for hemp, at home, than the practical ability hitherto to supply it, that importation, to a very considerable amount, has regularly taken place, although there is an extraordinary duty on foreign hemp, and although the cultivation and manufacture of cotton have suddenly and greatly interfered with the manufacture of this raw material. The manufacture of hemp being of the utmost importance to the supplies of the army and navy, and to public defence on the water and on land, the United States can only be rendered perfectly safe and independent by early and effectual encouragements to the growth, preparation, and manufacture, of hemp. It is of no less importance than those of arms and gunpowder. To separate all the fibrous from the ligneous parts of this raw material, without converting too much of the strong and good staple into worthless tow, by ill management, would occasion the quantity for manufacture to be much larger, and the profits to the cultivator to be more considerable, and would render the operations of the manufacturers more easy and successful. Improvements in all the machinery for hemp are worthy of peculiar attention and exertion.

*Wood.*—The numerous and diversified manufactures of wood, and the consumption of wood in the business and families of the manufacturers, occasion vast benefits to the landed interest, in all situations, maritime and interior.

The coopers and carpenters' packages for exported goods, alone, probably exceed two millions two hundred thousand in number. To these may be added as many, or more, for home use. The ships and boats of the United States, at their greatest amount, on a medium of a period of three years, have been computed at forty-five millions of dollars. Staves, heading, and boards, may be deemed simple or imperfect manufactures of wood. Carriages for pleasure, business, and war, cabinet wares, saddle-trees, turnery, with ploughs, harrows, corn fans, hand and wheelbarrows, wooden measures, mill work and machinery, wooden instruments, implements, and utensils, with the wooden handles of metallic instruments,

amount to more than eighty-four millions of yards. The return is doubtless very short. Though hemp, freed from the woody part, and only prepared for spinning, is not set down among the manufactures, yet it is materially advanced from the raw state by that preparation. That the general return of Kentucky is very short, will appear certain, when it is observed that shoes, and other manufactures of tanned leather, hats, all manufactures of iron, (except bars, castings, and cut nails,) of copper, brass, silver, and gold, of clocks and watches, of lead, of pewter, of tin, of casks, of meal, of carriages, of cabinet ware, of books, and various other goods, are omitted.

pot ashes, maple sugar, tar, pitch, and turpentine, from the various forest trees, ashes for the soap manufactory, bark, and wood fuel, including charcoal, are examples of wooden goods drawn from our forests. It may be safely alleged, that the natural and cultivated trees of the United States are rendered, by manufactures, a very great benefit to the landed interest. It is considered that pot ashes and pearl ashes nearly compensate the settler for the expense of clearing the portion of a new farm assigned for cultivation, in all situations convenient to boat navigation. The bark of the cork tree is used in other countries as a material to manufacture, and might be added, by means of plantations, to the North American productions. It is an evergreen forest tree in Spain and Portugal, and is found in the southwestern angle of France, in temperatures corresponding with those of Georgia and the two Carolinas, and the Southwestern States and Territories. We have obtained the cork-cutting business, before the landed interest have procured the exotic tree, or supplied the material. It is an impressive fact, that manufactures, in America, outrun agriculture in most instances.

The oils of vegetables and animals, which are generally from the cultivated lands of the United States, form a very valuable class of simple manufactures, greatly beneficial to the agricultural interest. These are flax seed oil, castor oil, soap, candles, lard, rendered tallow, wax, butter, and cheese. We might add the olive oil, as we have the proper temperatures in the country south of the Chesapeake bay. A labor-saving machine has been introduced, by American ingenuity, into the manufactories of common dipped candles. Rape seed oil might be made in all the States. Fish oil being necessary to make good leather, the fisheries of the Lakes and Western rivers merit consideration, as to a possibility of improvement. The aggregate of the areas of the Lakes is as great as a considerable sea. The caviar and isinglass are objects of attention and profit in Russia. The sturgeon from which they are made, is *Acipenser*, *Ruth. et Stur. Linnæ*. It abounds in the fresh waters of the Don and the Wolga, and is suitable for our Lakes.

*Dyes and Paints.*—Indigo, dying woods, and plants and pigments, of various kinds, used in manufactures, are additional instances of the benefits of that branch of our national industry to the owners and cultivators of the soil. Manufacturing all we produce of lead, we have been obliged to import a large balance of that useful metal, for our workmen, after using all our own lead, which is convertible into various pigments, is a raw material of several useful manufactures, in its separate state, or mixed with other metals. The rapid advance of lead manufactures, on the purchase of Louisiana, proves that they not only steadily progress, but rapidly extend, on every new supply of the raw material. Manufactures goad the whole landed interest to profitable production.

*Tobacco.*—The manufacture of tobacco, snuff, and cigars, has become a very considerable bene-

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fit to the planter. Labor-saving machinery does much in this branch. Our manufactory has mitigated the shock given by the recent wars and foreign commercial impediments to the tobacco cultivation. We are equal to the supply of any demand for the export trade, in snuff and tobacco, after an abundant reserve for home consumption.

*Fruit.*—Manufactures from fruit are every where economical, and, in many places, highly profitable to the farmer, and admit of a vast and profitable extension. These are cider, apple and peach brandy, the wine of the Corinth fruit,\* or currant wine, and vinegar in its ordinary state, and prepared with the juices of the various fruits. It is believed that the extent in which the American currant wine has been already made, has not been observed or considered, nor are its pleasantness, utility, facility of manufacture, nor our vast capacity for the manufacture, sufficiently known, or duly appreciated. The red, black, and white currants grow and produce well in our most Northern and Eastern States, and in colder parts of Europe. The proper Corinthian grape was found in the climate of Southern Greece, and its island of Zante. The red, black, and white currants are indigenous or domesticated here. They all yield wine. The quantity of two barrels, or sixty-three gallons, may be easily made in every farmer's family, without the use of more ground than he ought to appropriate for his common kitchen garden, and with as little trouble as that necessary to make butter, cheese, cider, or beer. Even the inhabitants of the cities, and other towns, who have gardens, or who purchase currants, may make the currant or Corinthian wine. Our million of white families (by the census of 1810) at a medium of sixty-three gallons each, or two barrels, are capable of preparing sixty-three millions of gallons—a quantity nearly twelve times as great as that of all the wine received from abroad, or twenty-three times the quantity consumed in the United States.† It is, doubtless, capable of distillation into brandy. It would be a profitable business to make Corinthian wine upon the great scale, and it is far more worthy of attention, in the country north of the Bay of Chesapeake, than the cultivation of the wine grapes of Germany, France, Spain, Portugal, Italy, and their islands. No beverage is more pleasant; none, it is believed, more wholesome; and it would afford an universal opportunity to mitigate the ardor or diminish the use of distilled spirits. The currant, or Corinthian wine, if made extensively in the United States, would greatly increase the benefits of the manufactures of fruit liquors to the cultivators and land-holders, which are already very considerable, convenient, and profitable.

As in relation to the quantity of wool, so in re-

lation to the manufactures of the grape, the opinion is submitted, that the *Aurantia Sinensis*, or the China orange, is an useful indicator of climatic temperature. Presuming upon the difference of nine degrees, which the steady productions of that delicate fruit appear to justify, the following table of corresponding temperature, in relation to the finest wines of considerable productions on the continent of Europe, is respectfully offered, since wines, or fermented spirits, brandies, and cremor tartar, or the salt of wine, are manufactures from the grape.

Moselle, Rhenish, and Hock wines, are produced in 49° to 50° North latitude in Europe—equal, in North America, to 40° to 41°.

Champaign wine, in 49° North latitude in Europe—equal, in North America, to 40°.

Burgundy wine, in 47° to 48° North latitude in Europe—equal, in North America, to 38° to 39°.

Claret, Sauterne, and Grave wines, in 44½° to 45½° North latitude in Europe—equal, in North America to 35½° to 36½°.

Oporto, or Port wine, 41° 20' North latitude in Europe—equal, in North America, to 32° 20'.

Lisbon and Carcavela wines, 38½° to 39½° North latitude—equal, in North America, to 29½° to 30½°.

Xeres or Sherry, St. Lucar, and Malaga, or mountain wines, in 37° 28' North latitude—equal, in North America, to 28° 28'.

*Cider and Perry.*—The manufactures of cider and perry are so highly perfected in Europe, that the former liquor, of the most excellent quality, has been sold for prices greater than the first costs of some of the wines of the European and African islands, and of those continents. Much more might be safely asserted of the British cider. The American cider advances rapidly in quantity and quality. So far as either the fining, fermentation, or ripening of the liquor, or the quality of the fruit, may be effected by the temperature of the climate, the same difference of nine degrees may be considered in relation to the cider countries of Europe and America. It is conceived that, in safe comparisons of places, the situations of both should be on continents. The climates of islands of the same magnitude may also be compared in the same manner.

*Grain.*—The evidences of the immense advantages which the landed interest derives from manufactures, will be concluded by the adduction of some facts in relation to those from grain. A single State returns the various descriptions of meal and flour to the amount of almost eleven millions of dollars, made at two hundred and eight mills, besides more than \$4,365,000 in value in fermented malt liquors and distilled spirits, chiefly from grain. Cider is not included. The whole value of the distilled spirits from molasses, grain, and fruit, made in the United States, appears to have been above fifteen millions and a half of dollars, in 1810. Much the greater part is made of grain; to those are to be added wafers, starch, hair-powder, and all the varieties of the bakers' goods. Considering flour and meal, bolted, sometimes kiln dried, and packed in casks for exportation, and biscuit so packed and prepared,

\* Ribes on Horticulture. See Miller's Gardener's Dictionary, (folio enlarged.)

† The wines left for consumption in the United States, in 1807, were only 2,692,737 gallons, by the returns of imports and exports. The Madeiras, Burgundy, Champaign, and fine Clarets, were only one-tenth.

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as manufactures from grain, it appears that our exports of these goods, in one year, have amounted to 1,557,000 casks, of various sizes. In fine, such is the vast importance of this branch, that, were the grain mills, bake-houses, starch, hair-powder, and wafer manufactories, breweries, and distilleries, of the United States, suspended in their operations, the body of the farmers and the planters would be wounded and crippled in most places, and paralyzed in many of the States. It is an important fact, that manufactories of grain (such as the brewery and distillery) insure this country against a distressful famine, because we could consume, in a scarce year, in bread, that which was raised to make liquors.

Such are the principal facts which occur to recollection at this time, evincing the benefit, to the cultivator and owners of the soil, from the manufactures which have arisen, unforced, in the United States. Their principal protection by duties was incidental. Those duties were imposed to raise the necessary revenue, and greatly favored the manufacturers. I proceed to submit some of those facts which evidence the aid afforded by our manufacturing industry to navigation and commerce.

*Navigation and Commerce.*—The construction of ships and vessels, with their boats, may be considered as having produced an accumulation of that description of manufactured property, in the year 1810, amounting to a million of tons, and worth the sum of forty-five millions of dollars, properly estimating the old, the new, and the half worn. The cloth of which the sails were made, and an inconsiderable sum in bunting or worsted stuff, for colors, with a smaller sum in optical and other instruments, are all the foreign articles, in this great value, of those indispensable requisites to commerce, navigation, and commercial defence. Although the cannon, muskets, pistols, swords, pikes, shot, ball, shells, and gunpowder, of the public and private armed ships, are now made in the United States, to an amount very far beyond the quantity demanded for our mercantile and military vessels, the cost of these articles is not included in the sum of forty-five millions, above mentioned.

The navy, private armed ships, and letter of marque ships, are also constructed or manufactured in the United States; and being of the utmost importance to the defence of commerce, their manufacture appears to be a proper object of statement under this head.

The working carriages employed in the various operations of commerce, with many of the scales and weights, measures, and other utensils, and instruments of trade, are made in our work shops.

The number of American articles, in the regular lists of the exports of the United States, is about one hundred and ten, of which about seventy are manufactures of the United States, subserving commerce, by affording new, various, and more convenient articles of exportation. Among these are included flour, bread, boards, and scantling, with other articles, not always considered as manufactures. But, if we did not make boards,

scantling, shingles, staves, heading, flour, meal, and biscuit, the foreign sugar colonies would not take off much of our wheat and timber. The manufactures of wool and grain render the original productions or materials convenient to our general trade, and absolutely necessary to some of its branches. The value of some of our exported manufactures, as they are sometimes strictly considered, may not exceed three millions of dollars, but these constitute an interesting assistance to foreign trade, and are steadily increasing. If, however, we add 1,557,000 casks of flour, meal, and biscuit, at an average price of eight dollars, with two hundred and twenty millions of feet and pieces of sawed, split, and dressed boards, plank, scantling, staves, &c., and some other articles of a like nature, the manufacturing operation, though imperfect, becomes very influential on the convenience of stowage, the benefit of freight, the accommodation of purchasers, and, subsequently, upon the activity and prosperity of commerce.

The manufacturers assist the merchants by their purchases of very large quantities of foreign raw materials, imported in their vessels. These are, wool, hemp, flax, and cotton, iron and steel, saltpetre, sulphur, hides, skins, and leather, indigo, fustic, and other dye wood and dye stuffs, lead, copper, and brass, in pigs and sheets, tin in blocks and sheets, spelter, molasses, raw sugars, cocoa, mahogany and other cabinet woods, wines and spirits, for medical manufactures, rags, and many other articles, with coal for the supply of their laboratories, furnaces, forges, and work shops. The manufacturers also purchase, for their domestic consumption, great quantities of imported goods, benefitting the merchant.

The transportation of American raw materials, fuel, and building materials, for the workmen, occasions a very great trade and business in boats, shallops, and coasting vessels, highly favorable to the merchants who own them; and the transportation of American manufactures, in like manner, to the markets on our rivers, bays, and coasts, is profitable to the owners of vessels. In Great Britain, the largest portion of the tonnage in any branch, is that in the coasting trade. This branch, of manufacturing commerce rapidly increases.

The most distinguished modern commercial countries in the world import great quantities of raw materials, and export large quantities of manufactures. These operations constitute, in fact, the greater part of their commerce. In those countries, many of their most respectable merchants have become partners in their manufactures. The export trade in British manufactures, before the wars which have grown out of the French Revolution, constituted much the largest part of the outward trade, and it seems likely to become equally considerable, in proportion to their exports, on the return of a general peace. This export trade in the valuable manufactures of the British Kingdom, is now extensively conducted by persons who combine the business of the manufacturer with that of the foreign merchant, or, in other words, who unite those two great branches of commerce in their respective houses. A sim-

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ilar and great field for capital and mercantile enterprise manifestly lies open before the American merchants; and some of them have entered upon it with capital, spirit, and success. So far as labor-saving machinery has been employed in the operations, the persons who have undertaken them have proved the benefits of manufactures to the mercantile capitalist; and, in other considerable instances, the same advantageous employment of trading capital has occurred.

The banks established in the United States, which are the most wealthy and important of our institutions of property, are mercantile corporations. The deposits and discounts of the sugar refiners, millers, bakers, distillers, brewers, cotton spinners, woollen manufacturers, hatters, nail makers, iron masters, various smiths, coopers, tanners, shoemakers, ropemakers, &c. are highly profitable to them, and are uncommonly safe. Since our exports of our own productions are known to be worth forty-eight millions of dollars, and the aggregate value of our manufactures may be safely estimated at three and one half or four times that sum, it is plain that the custom of the manufacturers is highly important to our banking companies. Many of our manufacturers are proprietors of the stocks of the banks of the United States, and thus lend to the merchants.

Insurances on manufactures, raw materials, vessels employed in transporting them, coastwise, and from and to foreign countries, and upon the manufacturing establishments themselves, afford considerable benefit to the private underwriters and insurance companies. Many persons concerned in these mercantile institutions are engaged in manufacturing houses and associations.

The greater prosperity of British commerce, with great and various manufactures, and the lesser prosperity of Irish commerce, with fewer and less various manufactures, afford the most conclusive evidence of the benefit of manufactures to foreign trade. This is the more clear and strong, because the soil of Ireland, in proportion to its extent, is better than that of Great Britain. The greater prosperity of British commerce, in time of peace, with superior manufactures, and the lesser prosperity of French commerce, in the same season, with inferior manufactures, is a further evidence of the benefits of the useful arts to foreign trade. The prosperity of American trade with manufactures, in the seven years which preceded the year 1810, (the date of the following tables,) was superior to that of the seven years preceding the adoption of the Federal Constitution, with less manufactures, and to the seven years which preceded the Revolutionary war, almost without manufactures.

The richest object of commercial enterprise for the merchants of the United States is the trade of those countries which do not manufacture. Of this, the trade of our American brethren from Texas and Mexico to the Straits of Magellan, is an inestimable instance. We can import their raw materials and export our manufactures to an immense amount, with substantial benefit. Their rich products will not often be received in the

ports of Europe, in our vessels, foreign to them. Their copper, crude sugar, peculiar cottons and woods, their various dyeing materials, drugs, and medicines, their wool, hides, and tallow, and their gold and silver, will be exchanged for cabinet wares, carriages, paper, refined sugar, beer, distilled spirits, candles, hats, boots, shoes, gold and silver plate and jewelry, pottery, iron manufactures, mill work, copper manufactures, machinery, types, gunpowder, arms, ships, and other vessels, boats, and various other manufactures of the United States. They do not want our provisions, tobacco, cotton, lumber, indigo, and other articles of unmanufactured produce. If we had only such raw productions, commerce between the United States and foreign America would be very limited and unprofitable. As our manufactures progress, the trade with that near and connected country, and with St. Domingo, and all the countries similarly circumstanced, cannot fail to increase. Even the manufacturing nations will be induced to purchase our goods, which can be made with vast advantages of labor-saving machinery operating upon raw materials, exempted from the duties and other charges of importation. If we have re-shipped to other countries tens of millions of the foreign manufactures of Great Britain, Ireland, Russia, Germany, France, and the East Indies, we may ship to the same place, the productions of our own national industry. If Great Britain, the East Indies, Germany, France, and Russia, find in foreign countries purchasers for their manufactures, we may be able to do the same. Since the Government is impartial and friendly to our merchants and manufacturers, those two descriptions of our citizens may liberally and profitably aid each other, as those do who live as fellow-citizens in foreign countries.

The establishment of many new manufactures in the United States, from foreign materials, occasions new demands for foreign materials, to be so employed. The merchants, alone, can import those materials, and they must be imported in their ships. This facilitates remittances, which, in many trades, are difficult and unprofitable.

The greatest drain of their coin and bullion which the United States sustain, is in the remittances for manufactures to foreign countries. By our own manufactures we diminished this drain in part, and they already furnish us with substitutes for remittances in the precious metals, in a further part, by enabling us to send abroad wrought goods, to the value of three millions of dollars. Everything that facilitates the retention of our coin and bullion, is considered as favorable to the merchants and to our commercial or banking institutions and operations. A balance of trade in favor of the country is an advantage to the mercantile body, and, by our manufactures, we shall bring more nations in debt to us, than we formerly did. So far as we export manufactures we now contribute to that end.

Manufactures, to a considerable amount, such as malt and distilled liquors, loaf sugar, cheese, candles, and soap, are consumed among the stores

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of seamen and passengers. Manufacturers who come to the United States, pay to our merchants passage money for themselves and their families, and freight money for their future and other personal property, imported in our vessels.

The commerce among the several States in the American Union, in the raw materials, manufactures, and provisions of our country, is a branch of trade more certain than any other. It does not depend upon foreign laws. Remote foreign markets are less accessible in war. The commerce among the States, always interesting, derives the utmost additional importance from the recent department of too many of the naval Powers. It is an evident and important fact, that this mutual and increasing exchange of raw productions, fuel, and provisions, for finished manufactures, between the producing and manufacturing States, has become a decisive consideration for the continuance of the Federal Union—a connexion vital to the general commerce of the American People. The manifest difficulty of securing justice in commercial affairs, even by the whole of the United States, affords conclusive evidence that any two possible sections, into which they might be cut, would fail to maintain the standing of a trading nation.

*The Fisheries.*—The benefits to the fisheries of the United States, resulting from manufactures, are considerable, stable, and increasing.

Our manufactures near the seacoast consume very large quantities of dried and pickled fish. They employ, in their manufactures, the head matter of the whale to make the superior oil. This will not coagulate, and it is fit for use in lighthouses and lamps, in cold and wet situations. From its purity, it is adapted to the consumption of good and well furnished houses. The residuum of the same material is used for making spermaceti candles.

The umbrella makers, manufacturers of whips, fishing tackle, stay makers, &c., employ the whale fins or whalebone, the little cuttings and chips of which have been applied to making patent brushes, composed of split bone, in lieu of strong hair.

The coarser oils are used in lamps, in many of the work shops, and in the dressing of leather; and, in short, as the manufacturers of the world, at home and abroad, use nearly all the piscatory articles, in some one form or another, so those of the United States have long used some, and have increased in the use of others; and since foreign laws burden those articles with ruinous duties, it is certain that our manufacturers' purchases may be hereafter relied on as a great and sure support to the fisheries of the United States.

In all those particulars in which manufactures support and assist navigation, they benefit the fisheries; for, ships and other vessels, and boats of every size and description, are employed in the fisheries, armed and unarmed; and as manufactures have strong and beneficial effects upon the coasting trade, and all our fishing vessels, except the large whalers, are adapted to, and actually partake in, that great and sure branch of the

domestic trade, it is a very important fact, that the manufactures of the United States, in that respect, greatly benefit the numerous owners of fishing vessels. Too small for most voyages to other countries, and excluded by foreign navigation laws from many adjacent ports, the transportation, for our manufacturers, of raw materials, provisions, fuel, building materials, and manufactured goods, become to them a very necessary support, whenever they are disappointed in taking fish. The fishing season is but a portion of the year. Out of that season, the coasting trade affords convenient employment to fishing vessels.

The manufacture of salt is a very considerable aid to the fisheries. If the temperature of the climates, in which lie the best salt ponds of Europe, be proved (by the growth of the sweet orange tree) to be the same as those of the Floridas and Louisiana, and if it be recollected that the best French European salt is made without fuel, and by the natural evaporation by the sun, in a temperature corresponding with that of the Accomac coast of Virginia, the beneficial effects of this manufacture may be deemed permanent and increasing. The fairest and purest marine salt of France is made on the Isle of Rhé, in north latitude 46 degrees and 15 minutes. It is made by the sun as far North as Bourneuf, Croisac, and Guesrande, in ancient Brittany, and the latitude of 47 degrees.

All the peculiar tackle and instruments of the fisheries are well manufactured in the United States, and the fishermen themselves, at leisure times, make a number of them, by which many of the benefits of domestic or household manufactures are realized. This remark also applies to the manufacture of a great part of the oil. The packing of a cask of fish, and the making of the cask and of the pickle, add as much per centum to the value of the fish, as the corresponding operations add to the value of several raw materials; some of the European economical writers, therefore, class salted and pickled meats and fish among their manufactures.

From a review of these facts, not only the peculiar benefits rendered by the manufacturers to the fisheries are evinced, but, it is apparent that the operations of the fishermen partake strongly of the manufacturing character.

*Defence.*—It has been considered as proper to submit, under a separate and distinct head, another class of facts, relating to such manufactures as are useful or necessary to the defence of the United States.

It has occasionally been deemed expedient to restrain the exportation of those manufactures which are requisite for war. From this consideration, and from obvious policy, the Federal and State Governments are conceived to have wisely partaken, even in the manufactories of such warlike goods, and to have encouraged them, by high duties and by advances in specie, or in raw materials. Difficulties arising from a want of capital, are thus surmounted, in cases wherein the public purchases are often the principal, and always very considerable.



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The important modern operation of casting of cannon, without a calibre, and boring them out of the solid iron, for the reception of the ball by water machinery, was first performed at the public expense in the United States. Several armories, for small fire arms and swords, have been established by the States and by the Union. Contracts, with advances of money, not only for making arms and other military manufactures, but for importations of the proper raw materials, have been repeatedly made, and to a large amount, upon security. Adversary belligerents have forbidden or prevented the exportation of warlike manufactures to the United States, during our late neutrality. Indian wars, occasions of apparent danger from abroad, and the commercial demands on this country for military supplies for various foreign places, within the last twenty years, have caused very considerable attention to the repair and manufacture of arms, and to making establishments for these and other instruments and munitions of war in the United States. It may be safely affirmed that there is no irremovable obstacle to the manufacture of every species of arms, and almost every supply of war, of good qualities, and in sufficient quantities. A well devised system of inspection exists in some branches of manufacture, under several of the State Governments, and such a system, as to military supplies, has been proved to be indispensably necessary, by the experience of the Union and of the States, on many occasions, during the greater part of the last twenty years. But, whatever has been the amelioration of this important operation, within two or three years, the ordinary commerce and exportation of arms, without inspection, is yet practicable, while the trade in flour, wet provisions, lumber, potashes, and other goods, in several of the States, has been wisely placed under a very strict and salutary regimen of inspection.

Since various foreign nations have obstructed military supplies, which we have endeavored to procure from their ports, and since the present war has imparted the contraband character to all such things, the importance of the manufactures of that description to the defence of the country, particularly at this time, is very great and manifest.

The possession of iron, lead, saltpetre, charcoal, wood for ships and vessels, for military carpentry, and for every description of the wooden implements of war, and the constant supplies of foreign raw materials, for warlike manufactures, enable the United States to make the necessary establishments. Accordingly, it appears that cannon foundries, and all other military works and shops, are as practicable as they are indispensable to the peace, the union, and safety of the country. The difference in the situations of the United States, at the respective commencements of hostilities, in the year 1775, and in the year 1812, is greater, in respect to the various manufactures necessary to defence, than it is in respect to any other matter in the whole circle of its national industry. In the times of the Provinces, the public defence was under the care

and control of an external and distant national Government, which preferred to draw the public supplies from the manufactures of the metropolitan State, adjacent to its Court and offices. But now, the all-important principle of internal resource, well understood, and the present state of American industry, occasion a course diametrically opposite to be maintained by the Union, the States, many associations, and numerous individuals.

*Labor-saving Machinery and Cotton.*—It is a fact, in the history of the manufactures of the United States, that, in some very important instances, the knowledge or acquisition of the means of manufacturing has occasioned excitements and exertions of the cultivators to produce the raw materials. In this complex business, success in one portion of the means has quickened the exertions to procure the remainder. In the year 1786, I became well acquainted with the fact, that labor-saving spinning machinery was in considerable use in Great Britain. It was understood that it was applicable, at that time, only to the carding and spinning of cotton, which we constantly imported from foreign countries. In the course of the following Autumn and Winter, repeated examinations and considerations of this subject occasioned very high expectations, from a few well authenticated facts in relation to the production of the cotton raw material in gardens and other small pieces of land, as far north as the latitude of thirty-eight degrees and forty-five minutes,\* and in some other places on the rivers of the Chesapeake bay. It was inferred, that, as the shrub or tree grew in that central degree, in our country, all the extensive region south of thirty-nine was capable of producing cotton, which is found not only in climates hotter than the warmest of those of North America, but in the torrid zone. It was therefore confidently presumed, that the cotton spinning mill might be brought into very beneficial use in the United States. The production of cotton in the old settlements of Virginia, was carefully examined, as a test of this opinion, and opportunities offered to make it in a manner commanding entire confidence. After the more exact information of the existence and operations of the labor-saving cotton machinery, in Europe, had led to the due reflection on the importance of the vast capacity of this country to produce the proper raw material, the most effectual measures were actively pursued to excite the attention of the whole community, and particularly of the planters of the five original Southern States. But, though our capacity to produce cotton was so great, as we at this time know it to have always been, though labor-saving machinery was effecting wonders in Great Britain, and though common cotton was then worth, in the United States, forty-four cents per pound, owing to foreign trade laws, and though it was at a high price in many parts of Europe, several years elapsed before sufficient attention to the culture could be excited, even

\*A vicinity in the county of Talbot, in Maryland.

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by the numerous publications which were incessantly made.

At length, however, the proper consideration of this great natural capacity of the Southern States, and of the peculiar value of labor-saving machinery to a nation of moderate numbers, dwelling in a country of redundant soil, with the all-important discovery of the saw-gin, has occasioned our cultivators to produce the requisite cotton. These two machines for cleaning cotton, in America, and for spinning it, abroad and at home, with the ordinary modes of household manufacture, have drawn the planters into an enriching revolution in the Southern agriculture.

The principle of labor-saving means of manufacture being thus brought into consideration and practice, in the case of machinery; and labor-saving processes, such as the brewery, distillery, and tannery, being drawn into similar notice, a new and very beneficial career in the national industry has been commenced by the United States. Carded and combed wool, flax, and hemp, have been subsequently subjected to manufacturing machinery, adapted to their respective forms and natures. We have been taught that thirty thousand pieces of metal have been coined and counted in England, in a single hour, by a steam engine, adapted to mechanism, capable of application to the button manufactory, and to other branches susceptible of such operations. Several nail making machines of curious facility and great utility, have been invented in the United States. Certain skins, formerly half expended in offal parings, or remaining of an useless thickness, have been split, by an American invention, into two equal and useful parts. The simple but tedious operations of the dip manufactory of tallow candles, have been abridged or accelerated by a labor-saving wheel. The mechanism for steam has undergone a variety of new and curious modifications in this country, greatly extending the uses of that vast and omnipresent power, in modes directly or indirectly subservient to manufactures. An improvement in the construction of draught casks has been invented, to obviate the great expense of bottling malt and other fermented liquors. A simple, cheap, and rapid chemical process has been discovered to extract the ill-flavored empyreumatic oil from distilled spirits. Since the confirmation of the settlements in this country, hydraulics, geometry, chemistry, and all the arts and sciences, have been rendered very extensively subservient to manufactures and the useful arts. Deeply impressed with the peculiar value to them of these modern aids and means, the people of the United States seek the establishment of manufactures by every variety of ingenious mechanism, process, and device, which, while they save time and labor, manifestly exempt them from the deleterious modes of the old manufacturing system. If, in other countries, and in former times, various classes of morbid and decrepit persons were produced by the ancient method of making goods only by human hands, and the citizens of America shall continue to pursue, to the utmost of their power,

the use of water, steam, horses, cattle, machinery, dexterity, and various modern processes and devices, to effect the same beneficial ends, they will prevent the creation and existence of those sickly and deformed classes of people in this country. Women, relieved in a considerable degree from their former employments as carders, spinners, and fullers, by hand, occasionally turn to the occupations of the weaver, with improved machinery, and instruments, which abridge and soften the labor, while the male weavers employ themselves in superintendence, instruction, superior or other operations, and promote their health by occasional attentions to gardening, agriculture, and the clearing and improvement of their farms. The lapse of a few years will release from the restraint of the patent, the iron bound shoe, (the rights to make which are much diffused,) when the sedentary labors of the journeymen will be greatly relieved. The dangerous services of the sedentary writer's desk, have been lessened by the printing, copperplate, and copying-presses, and several pentagraphic and other graphic inventions. Many of the uses of the labors of the statuary and the painter have been attained by the multiplied portraits and scenic representations of the various classes of engravers. The auxiliary part of the making of men's apparel, is extensively performed by the aid of females, formed by nature and habit for sedentary occupations. Some branches of manufacture unfavorable to health, are unsuitable to us, and will be long unknown in our country, and other branches, formerly of the same ill tendency, have been exempted from their pernicious effects by the employment of mills and the improvements in the operations, and in the construction of laboratories. It is a manifest truth, that, besides the proper personal powers, industry, and skill, of the United States, we have attained by water, steam, cattle, labor-saving machinery, and chemistry, the means to effect, with an exactness and promptitude beyond the reach of manual power and skill, a great variety and number of manufacturing operations. These wonderful machines, working as if they were animated beings, endowed with all the talents of their inventors, laboring with organs that never tire, and subject to no expense of food, or bed, or raiment, or dwelling, may be justly considered as equivalent to an immense body of manufacturing recruits, enlisted in the service of the country.

In order to display the present form and nature, and, in some degree, the extent of the arts and manufactures of the United States, the substance of the returns of the marshals and their assistants will be presented in the form of tables, in the third and fourth parts of this statement. In submitting this body of new evidence, it is necessary to state, that the information it contains is of various

\* The diminution of manual labor in Great Britain, by means of machinery, in the cotton business, was estimated, in the year 1808, at 200 to 1. An able writer and artist, (Mr. John Duncan of Glasgow,) considers it to be much more.

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dates, in the last five months of the year 1810, and that it relates to the whole national population of that time, being 7,239,903 persons, of both sexes, and of all colors, ages, and conditions. Though many of the officers and assistants have performed this new and difficult service with great zeal and intelligence, yet various causes have concurred to occasion numerous and very considerable imperfections and omissions in returns from cities, towns, and villages, townships, hundreds, and counties, and as to valuable branches and articles, from States, to be observable. In these first sets of tables, it has not been thought best to supply these by estimates, which might be erroneous and sanguine. It was observed that there were some instances of goods of a doubtful nature, or which could not be considered as manufactured, in so material a degree as to entitle them to be placed in the class of "manufactures." These have been separately exhibited, but are considered as sufficiently relative to the subject of the statement to render these imperfect returns of them useful both to the various departments of Government, and to those who are engaged or propose to enter into the manufacturing business.

## PART II.

*A collection of additional facts, tending to show the practical foundations, actual progress, condition, and establishment of the American Arts and Manufactures, and their connexion with the wealth and strength of the United States.*

In the tables which form the third and fourth parts of this statement is contained the result of this first attempt of an extensive and populous country, or perhaps of any country, to ascertain, in detail, the facts which constitute and display the actual condition of its manufactures. The duty was additional and secondary to the periodical enumeration of the people, and required a longer period of time than was allowable for such an enumeration, enjoined as a basis for the distribution of Constitutional power. The period of the two measures was not sufficient for correspondence between the superior and subordinate officers, which would have produced more perfect details and greater uniformity and perspicuity. It may, however, be affirmed, that the tables contain a great number and variety of clear indications of the state of the manufacturing branch of the national industry, and a mass of positive evidence upon the subject, in relation to the Eastern, Northern, Middle, Southern, Atlantic and Western sections or grand divisions of the country, with respect to the forms or modes of the manufactures which have grown up, the raw materials upon which they operate, a very considerable portion of the value to which they have arisen, very useful data for the comparative value of internal commerce or manufactures, and external commerce or navigation and foreign trade, and much elucidation of the operations of manufacturing industry upon the commercial and the landed interest, and upon the public safety.

From the official papers on which the tables

are founded, and from many other sources, some additional information, not reducible into regular columns, has been collected, which it is now proposed to submit in the form of statements, concerning several branches and denominations of manufactures, and the connected machinery. To show the importation of manufactures in the first year of the present Constitution, the substance of the return of that year of ordinary trade, will be added. The national population was then nearly four millions of persons, and the value of foreign manufactures was about fifteen millions of dollars. Some of the non-enumerated or unspecified goods were certainly not manufactures, but their value is not considerable, and may be fully allowed for by the deduction of \$295,688 98, which has been made from the amount of the return. Distilled spirits were not included among these imported manufactures. If our population be taken at seven millions and a quarter in 1810, our demand for foreign manufactures might be contemporarily estimated at \$27,187,500. But, on the one hand, importation has been increased in consequence of a freer consumption, and the business produced by increased wealth and other circumstances. On the other hand, the consumption of foreign manufactures has been diminished by the great increase of those of the United States. The exportations of manufactures, in the year 1807, are afterwards given, so far as they appear on the face of the general custom-house returns; but it is considered as a certain fact, that a greater value is exported than appears from that document.

A very great number and variety of literary productions, foreign and American, diffuse the knowledge of labor-saving machinery, processes, and devices, and quicken the progress of manufacturing industry and skill. Those which favor family or household manufactures are peculiarly interesting. It is respectfully suggested, that it would repay the expense and pains, if measures were taken, under known public authority, to ascertain and exhibit, by plain descriptions or specifications and engravings, the best set of implements, instruments, utensils, and machinery, existing in the United States, to render household manufactures more and more easy, expeditious, convenient, economical, and profitable. The fly shuttle is considered as a very valuable invention, but, though it has been known in this country many years, more than ninety-nine hundredths of our shuttles are not of that description. The same observation occurs as to spinning mills, mules, jennies, &c. The stocking loom, though so much more rapid in its work than the knitting needle, has not been yet, by any means, sufficiently extended. It is more convenient, in a private family, than the smallest cloth loom, or the great spinning wheel.

It is necessary to observe that several facts, in the first part of this statement, will be found in this second part. They were given in the former, on the ground of the general economy and policy of manufactures, merely to show their influence in favor of agriculture, commerce, the fisheries,

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and defence. In the following statements they are adduced in a strict practical view, to manifest the state of the respective branches of manufactures and of the specific means of their execution.

*Cotton.*—This raw material being the only redundant one produced in the United States, adapted to the manufacture of cloths for apparel and furniture, and being the most susceptible of labor-saving operations, the cotton branch will, probably, become, very soon, the most considerable of our manufactures. It is adapted to all seasons, in its various forms, and to a greater variety of uses than any other cloth or stuff: While sheep's wool continues to be much more wanted, cotton wool will be proportionably used as a substitute for it in blankets, corduroys, velvets, and the chain or warp of goods, with woollen wool or filling. Cotton goods can be printed—an operation seldom performed on woollens or silks—never on hempen goods. They are substitutes for worsteds or stuffs of combed wool, and for silks, which are made of raw materials, not yet considerable in the United States. The cotton raising States are the most numerous employers of family looms. Improvements in the household carding machinery, spinning machinery, loom and shuttle, and in family bleaching and dyeing, are producing new and great facilities, savings, and profits, in the manufacture of cotton goods by the farmers and planters. The cotton cloths, for various uses, manufactured in the United States, exceeded in measurement, in the year 1810, all the other cloths, that is, all the cloths of flax, hemp, wool, and silk; and the progress of the cotton branch is greater than any other, and, indeed, greater than that of all the others. Capitalists can most easily extend themselves in the cotton manufacture, because the material is abundant, and capable of being conveniently and promptly increased. The United States have some palpable and great advantages, over their foreign rivals, in the cotton branch. Those of Europe depend upon foreign agriculture for the raw material, for the indigo dye, and, in a considerable degree, for their bread stuff. Those in the East Indies will not be allowed, or be able, to use labor-saving machinery. Improvements in the looms, and other things, are opposed by force in Europe. The expenses, costs, and charges of transporting cotton from the farms and plantations, even near the coasts of the United States, to the manufactories of Manchester, Glasgow, and Rouen, and the same charges upon the manufactured goods from Manchester, Glasgow, and Rouen, to the houses of the planters and farmers in America, are equal to fifty per cent. upon the European costs of the finer, and seventy per cent. upon the coarse, heavy, and bulky goods of those great manufacturing towns. Every person capable of working in manufactories of woollen, linen, hempen, and silken cloths, can become, in less than a week, a good cotton manufacturer. The cotton branch, in the United States, is the great resort of all unemployed cloth manufacturers, and there is here no impediment to a person's changing his trade or employment, or place

of business. Every man and woman in America, uncharged with crime, is free of every city, town, borough, village, hamlet, township, hundred, and county, and enjoys the freedom of every occupation, trade, and calling. The chief American bark and other dyes, and particularly the costless dye, called the iron liquor, made by covering useless fragments of that metal with vinegar or the pyroligneous acid, are convenient coloring for cotton yarn and cloths. A great desideratum in the manufacture of cotton is a method of giving it a true scarlet dye, which no art has, hitherto, been able to fix in goods made of this raw material. It has been, for many years, the subject of an offer of a very considerable premium in Europe. The Americans make good red cotton for the weaver, superior to Turkey yarn.

In consequence of numerous and particular inquiries and communications, in and from all parts of the United States, it satisfactorily appears that the skill, the means, and the scale of the year 1810, in the cotton manufacture, have been very greatly improved and extended, and that the capital, machinery, and establishments, have been very much enlarged and multiplied. The cotton blanket, which is a luxury on the continent of Europe, is a matter of great economy in the United States. It is an excellent covering. The double twilled cotton cloth, for apparel and furniture, begins to rival the immense invoices of foreign ticklenbergs and other stout linens. Similar facts occur in a variety of other instances. Heavy cotton goods cannot be imported without a loss. Fancy goods offer the greatest profits, and, in many instances, are easy of imitation. In household manufactures, as soon as it happens that the stock of flax and wool is exhausted, the industry of very great numbers of families of the Middle, Northern, and Eastern States, is applied to our redundant cotton, which is everywhere for sale, and pays no import duty or excise. Every additional working hour, in a day thus employed, is an addition of one twelfth part to the domestic manufactures of the country. It is highly beneficial to possess an unlimited raw material, which, at once, invites and impels to sober, steady industry, and facilitates its operations. One natural effect is, to render every industrious female an artisan, whenever her household duties do not require her time. The general practice of manufacturing cotton in families, not resident in the cotton raising district, prepares those families, by their habits of industry and their skill, for that extension in the woollen manufacture which the rapid multiplication of sheep must very soon occasion.

A large quantity of cotton is used as chain or warp, with woollen wool or filling, and it is used as wool or filling for goods with flaxen or hempen chains or warps. It has nearly superseded the use of flax in the manufacture of hosiery, and is, sometimes, mixed with wool in making stockings. Cotton is well adapted to use, in stockings, in our Southern winters. It is believed that it would be favorable to health if the colored laborers were supplied with a cap of thick undyed cotton swan-skin, similar, in form, to the highland woollen

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cap of North Britain. Fevers, and morbid strokes of the sun, would be prevented by the protection of the head.

**Wool.**—The manufacture which is next in rapid improvement and extent to cotton, is that of wool. It is very considerably aided by the new carding and spinning machinery; by the introduction of the merino, Barbary, and long-woolled sheep, by improvements in the breeding and tending of the general flocks of the country, by superior care of the growing fleece, by the increase of the value of the carcass or mutton, by the sorting of wool, by improvements in the stocking and cloth looms, by the acquisition of the fly shuttle, and of machinery to dress and finish cloths, by increased skill in the workmen, and by improvements in the arts and business of fulling and dyeing, to acquire which, great exertion and expense are applied.

The present growth and production of English wool is supposed to be most accurately estimated by Mr. Luccock, of Leeds, in his late publication. It is believed to decline. The soil is insufficient for the population. He estimates it at ninety-seven millions of pounds per annum. If the whole quantity of the United Kingdom be taken at one hundred and twenty millions, and if two third parts be used by the British and Irish people, it will give eighty millions of pounds for sixteen millions of people, or five pounds per head, whether infant or adult. This is exclusive of foreign wool and the increased cotton substitutes. In the same proportion, the United States, if they contain at this time eight millions of persons, would require, were our climates as cold, forty millions of pounds. If it be considered that half our population lies to the southward of Pennsylvania, and that their cotton is a very convenient substitute for wool, it would appear that forty millions of pounds weight of sheep's wool is a good supply. It is believed, from the facts stated and considerations suggested on the subject of wool, that the supply of 1812 does not fall short of twenty to 22,000,000 of pounds. Not only have sheep been multiplied, but their fleeces have been increased in weight, and much better preserved. A very few years must increase our wool to forty, fifty, or sixty millions of pounds, when the exportation of woollens must take place; for it is not doubted that our housewives, manufactures, and machinery, will continue to make up all the wool our sheep will yield. The stocks of fine-woolled sheep in Spain and Portugal are unhappily diminished, neglected, and injured, as well in the fleeces as in the bodies of those animals. Our principal source of European supply of fine wool is then reduced in quantity and quality, while prices are advanced. Our own stock of fine wool is therefore the more convenient and beneficial, and the manufactory of it is the more highly encouraged and greatly assisted. The most strenuous and judicious efforts to increase the quantity and quality of our wool have occurred within the two or three last years, while our adventitious gains of sheep and wool have been far greater than in any past time. Yet, the man-

ufacturers, with their machinery, have so increased and extended as to advance the prices of wool, and even to produce continued importations. Considerations of revenue, at least, have occasioned the actual encouragement of increased duties, in the last year. The simplicity of the prevailing colors in the woollen branch, for some time, has been favorable to the United States, and continues to be so in the present state of their woollen manufacture. Scarlet, purple, garnet, crimson, claret, maroon, and pea green, are more difficult to dye, fix, and finish, than drabs, bottle greens, grave mixtures, and browns. Several extensions of the woollen manufacture, produced by interruptions from Europe, and by the increase of wool, are particularly convenient to this country, because they do not require the aid of the fulling mills, and may therefore be executed in families, and by manufacturers within their own working places. Flannels, common woollen stockings, and hats, are among the goods contemplated. These are commodities of very great consumption, and as necessary as any other woollen goods for the general population, and for the supply of the Army and Navy.

The spinning wheel, the loom, and the fulling mill, are real aids to manual labor. The two first have been long invented. The last is a far more recent discovery. It has been little improved since its invention. If nice skill in using the fulling machinery is of the greatest importance to the success of the woollen branch, it is very desirable to awaken the most particular attention of the manufacturers to this operation and mill. The fulling of hosiery is practised in Pennsylvania, in that description which is called the *Germantown stockings*. It particularly adapts them to the comfort and trying service of the Army. The fulling of hats is yet a manual labor. Wool, and other animal substances, are capable of being fulled. Vegetable substances are not deemed capable of that operation. The improved carding, spinning, and shearing machines, the house-cloth loom, and stocking-cloth loom, are all capable of saving labor. Dyeing saves the domestic labor and expense of washing, while it prevents all that injury to the pleasantness and beauty of woollen cloths, which frequent washing occasions.

No branch of manufactures receives so great an accession of foreign workmen as the woollen branch, because the raw material and manufacture are universal in Europe.

No branch of the manufactures of the United States receives so great a propulsion, from our immense landed capital, as the woollen branch; because sheep are produced in every section of our country. Cotton has a natural or climatical district, and requires a very limited portion of it. Wheat has a practical district. Hemp and flax are limited in their cultivation by the state of population and employment. All these require the steady labor of many hands. But the field of sheep walks is as extensive as our territory, and sheep farming is universal. It must become very extensive. They do, themselves

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much towards the care they require. The quantity of land which would maintain the greatest stock, belonging to any country in Europe, is but a minor fraction of our soil. Wool, then, must become abundant, and household manufactures, machines, and artisans, insure the conversion of it, as fast as it will increase, into materials for apparel and furniture, and into other merchandise, for domestic and foreign trade and consumption.

Of all raw materials, none is capable of conversion into manufactures so favorable to health as wool. It is extensively and indispensably necessary to the enjoyment of that blessing. A great number of persons, of both sexes, and of all ages and conditions, require woollens for their comfort and their safety. There is no other good material for carpets; no other capable material for common hats and winter stockings; no other which preserves, in the human body, that constant, and equable, and insensible perspiration, the want of which brings early pain, disease, and death. No material for cloths, for furniture, and apparel, is so safe as wool in respect to fire. No abundant one, for these purposes, is so capable of economical and elegant colorings or dyes. Wool receives, and better than any other material retains, every tint, every shade of color. The goods of this manufacture are of very great variety and compass, beginning with three shillings sterling per groce of yards, in the shape of woollen bindings, and rising to fifteen dollars per yard, in the form of superfine broadcloths, of the best Peruvian or Vicunia wool.

*Iron.*—The red appearance, produced by iron, in our burnt clay, in every State and county, proves that character or quality of our soil. The ore is very abundant and widely diffused. The extraction of the metal in the best condition, the conversion of it into steel, and the manufacture of it into all the necessities and conveniences belonging to this extensive and useful branch, are facilitated by the omnipresence of wood, and, consequently, of charcoal, and by rich and numerous veins of fossil coal, appearing, in many places, on the surface of the earth. These are present magazines, and uncommonly strong symptoms of immense latent treasures of that fuel. The manufacturers of iron wares loudly call on the owners of mines of that metal to open more of them, and to work the whole upon a far greater scale. Machinery, to work up pig iron, has been wonderfully invented, extended, diversified, and multiplied, in this country, since the impediments, from the year 1750, from external legislation, ceased to exist. Every year enlarges and diversifies the iron and steel manufactures. They are much too numerous for a detailed statement. Castings have been made in very increased quantities. Those for the use of manufacturing machinery alone have been computed at one thousand tons per annum. The common blacksmiths' work, though of necessity very imperfectly given in the tables, is a branch of manufacture of great amount, and is performed in every section of the United States, however

agricultural, and however peopled. The improvement of the system and tools of these workmen, and, particularly, the introduction of labor-saving machinery into their shops, would be a very substantial benefit to them and to the country. The blacksmiths' shops are, in effect, primary schools of the arts. The cut-nail machinery has been very beneficially introduced into some of these shops, near to the iron furnaces, insuring the profitable employment of all the time not otherwise occupied. It is like the two spinning wheels and the loom among the women in private families. The greatest nail-making State produces at the rate of nine pounds of nails for each person in the State; which is at the rate of sixty-five millions of pounds for the whole white population of the United States, were equal attention paid to this gainful economy of time and labor. There are many blacksmiths and nail-makers among the people of African birth and descent.

There being, in effect, no limit to our fund of charcoal, the extraction of pig metal from iron ore, the refining of iron by the second process, as also by the forge hammer, and other modes of compression, and the formation of it into manufactures, by all the operations which require it to be heated to the malleable degree, are, therefore, performed without any of the injuries to the metal, arising from fossil coal, and with all the benefits resulting from carbonic fuel. As the extent of our territory insures a very great duration to our stock of charcoal, by mere natural reproduction, and generally without the labor and expense of plantations, our iron manufactures must be very good, permanent, and highly beneficial. There are great quantities of iron adjacent to forests, which continue to impede the cultivation of the richest soils. Practice, the sciences, and imported aid and skill, add yearly to the degree of ability we possess in the iron branch. The rolling and slitting mills, the nail mill, the tilt hammer, the grinding and polishing mill, the wire mill, and all the great variety of iron works, except the common furnace and forge, were assumed to be prohibited by the act of the British Parliament of the year 1750, restraining the manufacture of iron beyond the pig and the bar. The iron and steel manufactures of Great Britain were raised in 1785 to the value of fifty millions of dollars. The United States formerly exported much iron, but they now import a far greater quantity in bars, and some rolled and slit. The returns of the quantity of iron manufactured are very imperfect, yet much is exhibited on the face of those documents. This branch has been very fruitful in inventions and labor-saving devices, both at home and abroad. In the moments when we feared difficulty and injury for the want of certain necessary things, the manufacture has been suddenly attained and established. This is remarkably the case as to common steel, iron wire, and edge tools, the manufactures of all which have been greatly advanced since 1810. The variety of iron goods returned by some of the States and counties, proves, to all



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who are acquainted with this country, that great quantities and values of the same kinds of goods are omitted in the returns from other States and counties. The improvement and extension of the cast-iron manufactures, including cannon, cast solidly, with a spruce head, and bored out, have been very great. The saving of the labor of the manual hammer, which is a chief benefit of small castings, and of the tilt and trip-hammers, have given extraordinary activity to this branch of the iron manufactory.

The course of things is very strikingly altered with respect to both the commerce and manufacture of iron. The iron branch is more extensive and perfect in Great Britain than in any other country. It is worthy of note, therefore, that considerable quantities of iron and steel are imported, even from that country, into the United States, proving our capacity to manufacture iron goods. The duty alone prevents much more considerable importations of British iron. The English iron manufactures were very extensive in 1783. But in each of the five years preceding 1800, they imported, on an average, 41,000 tons of bar iron. Many British workmen of their furnaces and forges have migrated to the States on the Baltic, and to other parts of the world, induced by the temptations of countries full of iron and wood. The scale upon which iron works have been lately conducted in Great Britain, the use of the steam-power, and the charring of pit-coal, have produced great benefits to the owners of iron works. Everything that saves, or which is equivalent to the saving of labor, in the business of the furnaces, is of peculiar importance to the countries possessing abundance of iron ore. The extension of our manufactures is not impeded by any want of the means to work it, when procured in the first simple state of pig metal. The extraction of metal from the ore involves much expensive labor. Much business is done in labor-saving manufactories, much in the common manual shops, since we can make the wire and working cards, and cannon, small nails, and anchors, spinning-wheel irons, and mill-work, screws, and ploughshares; and as we have raised the price of bar-iron from sixty to one hundred and ten dollars, since our Revolution, our capacity in the iron branch cannot be doubted. But the most weighty fact, respecting the state of our iron manufactures, is, that we cannot procure enough of pig metal and bars to satisfy the great and increasing demands of labor-saving mills and machines, and our numerous handicraft workmen. A principal improvement in the iron manufacture would be to make more valuable descriptions of goods, such as cutlery, fine tools, needles, watch-springs, and other nice wares.

*Hemp.*—The growers of this raw material are said to suffer very considerably from the sacrifice of the quantity and value of their crops, by imperfections in rotting and preparing it for the manufacturers. An injurious conversion of a great number of strong and good fibres into tow by the want of skill and care in the preparation

of it for the spinner, too often occurs. This strong and harsh raw material is also rather unsuitable to the numerous class of female spinners and weavers. The labor of the culture, preparation, and manufacture of hemp, occasions it to be nearly excluded from the operations of household manufactures, in which respect it is on a less convenient footing than flax. Its great importance to defence obviously recommends hemp to the most particular attention and consideration. Its region, its soil, its seed, its mode of gathering, rotting, freeing from the stalk, dressing, keeping, spinning, weaving, finishing, and uses, merit thorough investigation, very intelligible specification, and extensive diffusion, so as to ascertain, preserve, and make known, all those things, with the best instruments of its culture, preparation, and manufacture, and the selection of its seed for propagation, oil-making, and all other uses.

In the spinning of hempen yarn, water and steam-mills have been introduced. In making twine, and even in making cables, horse machinery is used. The improvements in weaving are more likely to be successful in the manufacture of hemp than in any other raw material, from the great strength of the yarn.

No manufacture appears to demand, in a greater degree, the aid of joint stock, or associations of capitalists and manufacturers. It is possible that such companies might very favorably affect the cultivation of hemp, by purchasing it of the planter, in the state in which it is first separated from the root or ground, in the manner in which some of the Louisiana cane-growers sell to a sugar manufacturer, the stalks of the cane, as soon as they have been cut. Such divisions of labor have many favorable effects, and some particularly desirable in this country. When the manufacturer buys sugar-canes to make sugar, or hemp in the stalk, to rot and otherwise prepare, he in effect carries his manufacturing laborers into the present system of cultivation, by making them perform certain labors, which the farmer's people have hitherto performed. The manufacturer also brings his money earlier into the hands of the farmer or planter, and he saves him all the capital requisite for works, tools, instruments, and wages. The operations of the manufacturer also save labor, either by machinery, or by the superior skill and dexterity of those who follow one art or branch of industry. There is an useful reaction of all the adjacent arts and trades upon the neighboring cultivators, leading to care in all the parts of agriculture necessary to the production of excellent goods in the best condition. Our numerous flour-millers are ever checking the farmers who offer them bad kinds of wheat, or unclean, or mixed with rye or garlic.

Positions in the best hemp districts of the United States, where the strong nature of the soil tempts, or impels to the cultivation of hemp, and where fossil coal abounds, appear to be fit places to bring forward the manufacture of hempen cloths, yarns, twines, and all other goods which are convenient to handle, to store, and to trans-

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port; and which are not, like cables, and ships' cordage, liable to be injured by the tar used in their manufacture. By manufacturing hemp at the place of its growth, in such situations in Kentucky, the great and useless charges of transporting the offal, the tow, and the good hemp, in an unmanufactured state, would be avoided. The best part of the materials, increased in value by the costs and profits of the manufacturing, would better sustain the charges of sending them to the other States, or to the seaports, for the foreign trade. This raw material affords the strongest evidence of the absolute necessity of manufactures, and of adjacent manufacturers, especially by labor-saving machinery, to the prosperity of agriculture, and to the certainty of public supplies. Had we not cultivated and manufactured hemp, in the time of peace, we must have suffered for want of the manufactures in time of war. Measures, even to force such manufactures as are really necessary to the public safety, are not uncommon in the United States. A printed investigation into the cultivation, manufacture, and uses of hemp, with engravings, from the seed to the completion in cordage, cloths, and other supplies of war, by sea and land, would be of great public advantage. One foreign nation went into such a measure, and displayed before the people, in the most perspicuous manner, all the operations of forty arts and trades, most important to agriculture, war, domestic service, and foreign trade.\* No country would be more promptly moved by such measures than the United States. The minds of the people are open to useful information, and those who receive conviction from such information are under no restraints of local or professional privileges. The freedom of trades, and the freedom of towns, as they exist in some countries, are deductions from the general freedom of the national industry.

*Flax.*—Habit, convenience, and necessity, especially without the bounds of the cotton district of the United States, occasion an extensive cultivation, preparation, and manufacture, of this raw material. The foreign countries which are most distinguished in this branch, have not yet made any considerable use of labor-saving machinery, and have few regular factories in which flax is prepared, spun, twisted, or wove. They have, until lately, depended entirely upon household industry for the preparation and spinning. In the United States, the branch has risen to its present considerable height chiefly by the same means. Within a few years, machinery, saving labor in a greater degree than the common spinning wheel, has been introduced into regular establishments, and even into private families; also machinery, to double, treble, and twist. There appears no reason to doubt that the flax manufacture will maintain a respectable ground in the United States, by the industry of common spinners and weavers, by little and great labor-

saving machines, by the fly shuttle, and by some of the improvements of the loom. Such an investigation and display of all the operations and instruments of the culture and manufacture of flax, as have been suggested in regard to hemp, would be equally useful with a view to profit, though not so important to the defence of the country. The spinners and weavers demand of our merchants their constant aid in the importation of flax, for our cultivators do not keep pace with the wants and progress of the manufacturers; and in proportion as labor-saving machinery and capital shall be introduced into this branch, still greater exertions of the landed interest will become necessary. The household manufacture of flax is the most general, and the most familiar of all the family operations, relating to cloths for apparel and furniture in the United States. In consequence of habits so prevailing, all we can raise is manufactured, and all we can import. This branch also affords conclusive evidence that even handicraft operations will succeed in the household way.

*Gold, Silver, and the finer-mixed Metals.*—The increase of capital, with the consequent freedom of consumption and extension of manufactures and commerce, has occasioned goods made of these materials to be greatly multiplied, diversified, and improved. Gold and silver wares are made in all the considerable towns, and have reached a very high degree of convenience, excellence, and beauty, in some places. They are not only equal to every possible demand of the country, but our present workmen could make a stock of gold and silver wares, for foreign sale, equal to the quantity exported by any nation of Europe. With common care, the standard quality is good and uniform, the branch being in the hands of an intelligent and respectable class of citizens, and if it were chosen to raise the standard of quality in such inconsiderable degree as to make the silver plate a little superior to the purest foreign standard, and to establish an assay, the operation would probably be quite as pleasing to the conductors of this branch of our manufactures as it would be practicable and easy.

The use of rollers, and other contrivances, to save labor in some degree, have been gradually introduced into the gold and silver manufactory; but, being numerous, they have, though small, at length reached to a considerable aggregate importance. They would, indeed, be at this time highly convenient and valuable, did not taste and fashion, to the dominion of which this branch is peculiarly subject, render it unsafe to make a too large stock of goods, though exhibiting, in their forms, every line of beauty and of grace.

The goldbeater's trade, or that of the manufacture of gold leaf, has been recently introduced into the United States. The metal is prepared by labor-saving rollers, which reduce it to the thickness of a hard, tough, and very thin letter paper. Silver is similarly manufactured into leaf. The city of New York has attracted the most conspicuous and greatest number of these artists. It is understood that they are well estab-

\* The French exposition of the arts and trades, called "Dictionnaire des Arts et Métiers."

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lished and prosperous. The workmen of Europe, in all branches such as this, are much incommoded by the fluctuations and distresses of that quarter of the world, and they now find encouragement here. This is the case with all that description of artists who are employed in making the more valuable metal ornaments, trinkets, set work, of glass, valuable stones, and paste, in gold, and silver, and jewelry.

Plated work, and the fine and common mixed metal buttons and buckles, are made in very considerable quantities, by foreign and native workmen. Casting and machinery afford them great assistance.

Button making has become a lucrative and regular employment in the United States, and is far more considerable than appears by the returns. The rollers for small and fine work are not sufficiently numerous and dispersed, or all the necessary supplies might be made with ease. The rolling and stamping apparatus greatly saves labor in button making. The American cast button is so cheap, that it can rarely be imported. Water mills and steam engines, to roll and stamp, in the manner of Europe, will quickly possess the United States of the entire manufactory of buttons, and other small metal goods, for seven millions and a half of people, with opportunities of free and unburdened exportation.

*Hides and Skins of domestic and wild animals.*—Every description and variety of leather is made here. So entirely and easily are the raw materials worked up by the tanners, leather dressers, and other manufacturers, that even the deer skin, which was formerly prepared in the buff mode only, is now much more frequently and extensively tanned and dressed as russet or colored leather. That species of skin alone has been heretofore exported in the unmanufactured state. Fine and delicate skins, which were not formerly known as raw materials, are now imported, and handsomely dressed, finished, and made up into ladies' shoes, pocket books, and other goods. The demand for skins, in this extensive and successful branch, has occasioned a curious and effective invention, to split skins, producing a double quantity of covers for books, and other purposes. The hog skin is tanned in some places, but it is too often neglected and lost, in the shape of mere offal of fresh, pickled, and smoked meat. Being particularly fit to make strong and handsome saddlery, the farmers will profit by attention to the best management of their hog skins, in all the States, as they now do in some. The proper oil of fish is not so abundant as it formerly was, nor obtainable in interior situations, without a great expense; and it is possible, that the congenial fat of the skin of this animal may occasion it to be better and more easily preserved than the skins of horses and oxen. A judicious course in manufactures is to consider the true fitness of the various materials, and to put each kind to its proper use.

The facility and utility of the manufactory of leather is everywhere such, that the utmost ingenuity has been exercised upon the subject of the sources of the raw materials, and the economy

of them when manufactured. A considerable premium has been offered, by the French Government, for the invention of the best and cheapest substitute for leather, for the covers of books.

It would favor the Indian trade, which has a great tendency to conciliate the aborigenes, if the manufacture, and a greater consumption of deer skins, could be effected in our frontier towns. It would give activity to the Indian commerce. The transportation of dressed skins from thence, would not be subject to so heavy a rate of expense, in proportion to the increased value, nor would they suffer, in their substance, as they now do, from the worm, and from fermentation and decay.

The present and constant manufacture of all our hides and skins, affords the manufacturers an opportunity to devise and perform such things as, by increasing the beauty and goodness of their commodities, will enhance the aggregate value of their leather branch. Much utility and profit may be derived from superior tanning, coloring, dressing, workmanship, fancy, taste, and economy, in the whole range of the operations of the leather manufacturers. The elegance of our improved book binding is an example. The abundance of farm lands, and the distance of many of them from the seaport, render it certain that the United States will always be one of the greatest cattle raising and meat eating countries. Of course, there will be in our markets a great quantity of North American hides and skins. Bark, lime, and water sites, are, in many places, rarer incidents in country tanners' possessions and general situation, than things required to be specially sought, purchased, or hired. Whatever is properly made of leather, is a commodity of the most useful and durable nature. There are no commodities, the surplus of which will more certainly command a good and sure foreign market, than the manufactures of this raw material. As the nature of the country, and of many things in it, give a great fund of fixed and necessary capital in this branch, so it is true that there is a very large moneyed capital constantly employed in it. The Southern planters have, in many instances, made tanning a household or plantation business, which they may generally do with a little attention to the practice, and the addition of the pleasure of a little relative chemical reading. Were chemistry, in particular, and the general science relative to the fine and useful arts and manufactures, made a branch of domestic and academical instruction, it would greatly and permanently redound to the dignity of the American mind, and the solid internal profits of the business of the country. Such a course of instruction may be commenced at an early age: for exhibitions of this nature, internal compositions, mixtures, attractions, fermentations, and decompositions of material objects, are as amusing as instructive, and all these are pleasingly and intelligibly displayed in experimental philosophy.

It is believed that the present annual value of the leather manufactures of the United States exceeds that of any other nation, in proportion to

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the population, though the prices in America are lower, and the goods are nearly all of the useful and necessary, and not of the fine and showy character; and, as they are chiefly by the mere manual industry, and are not much aided in the domestic or household way, they establish our capacity for general manufactures in the ordinary modes.

*Maple Sugar.*—This useful and valuable commodity has been heretofore generally estimated as one which this country was rather able than likely ever to manufacture in a considerable quantity; yet, incomplete as manifestly are the general tables, in which eight only of the twenty-six districts return the maple sugar manufactured, and defective as are the subordinate returns from nearly all the States which have noticed the commodity, it is found that nine millions six hundred and sixty-five thousand one hundred and eight pounds of maple sugar are proved to have been made in the year 1810. It is considered that seventeen millions and one-half of foreign sugar, with perhaps three millions and one-half more, of maple sugar, supplied our consumption in 1790, when the population was four millions of persons. Four millions of pounds might be added for the weight of molasses used in substance. Our present population would, therefore, probably enjoy a comfortable but moderate supply of foreign and domestic sugar, in fifty millions of pounds of the crude or Muscovado, allowing, for obvious reasons, a freer consumption now than heretofore. It is not rare for careful, attentive families to make three or four hundred pounds weight in a season. If two hundred and fifty thousand families (of the one million two hundred and fifty thousand families which compose this nation) were to make only two hundred pounds each, or five hundred thousand of those families were to make no more than one hundred pounds each, we should have the requisite supply of fifty millions of pounds. The State of Ohio, with a population equal to about one-thirty-third part of that of the United States, returns three millions and twenty-three thousand eight hundred and six pounds of maple sugar. If the whole Union were to manufacture at that rate, it would produce above one hundred millions of pounds. Thus are the calculations of the year 1790 fully realized, though deemed then sanguine and fanciful. The preservation and general propagation of the sugar maple tree, therefore, very strongly press upon the public consideration. This substantial and energetic nation can effect, with ease, what the youngest member of the Union, in 1810, struggling with the forest and the savage, performed in mere ordinary course. The thorough investigation and display of this subject, from the natural history of the tree, through the course of exposure, seasons, treatment, management, and manufacture, till its formation into refined loaf sugar, and to the death and new plantation of the tree, with its qualities and various uses as wood, and with due attention to the implements, utensils, process in a manufacturing and in a chemical view, in all the possible details, appears to be earnestly demanded of the Govern-

ment. This effort would induce its reward in almost every township, by the benefits which would result from the mere excitement of a general attention to the manufacture of so pleasant, so profitable, and so nutritious a production. To be fully and universally aware of an attainable advantage is, in such a case, to insure the attention necessary to obtain and preserve it. The season of making maple sugar is from the middle of February to the end of March, when the farmer and his family have little business to employ them. Five pounds have been stated as the produce of a tree; but if four, and even three, pounds be taken from each tree, on an average, seventeen millions of trees will produce fifty-one millions of pounds of sugar. There are frequently forty trees upon an acre of land; but, if there be only thirty-four, then five hundred thousand acres (a quantity of land inferior to very many single counties in the United States) will yield the whole necessary supply. The reserved wood lands of our farms is, on a medium, more than a fourth part, even in our old counties; wherefore, a tract of two millions of acres (of which three-fourths might be cleared for the plough) would fully suffice. This quantity may be considered as about one-thirteenth or fourteenth part of a State as large as the lands of New York or Pennsylvania, uncovered by streams and lakes. Our rough mountain land will produce this tree. It has been credibly certified, that a single township, in the State of New York, produced one hundred and fifty thousand pounds weight of maple sugar in the infancy, or seventh year of its settlement. It will be observed, that the manufacture is proved by the annexed tables, in Parts III and IV, already to take place in the Northern State of Vermont and in the Southern State of Tennessee, and in many parts of the intermediate country, establishing the region of the sugar maple tree and manufacture to be several hundreds of millions of acres. The tree is abundant in more southern districts. As it is at present considered necessary to impart to the wine of the Corinth or currant fruit a greater degree of the saccharine character than it has from nature, the general presence of the maple tree, and the universal capacity of our country to produce the red, white, and black currants, are facts apparently worthy of the public attention. Maple sugar, within my personal knowledge, has been so well refined as to have been served to the largest circles of foreign and American evening visitors at the house of the late President Washington. The quality was of that real excellence, which the double refined white loaf sugar (from the cane) of the late Mr. Edward Pennington, of Philadelphia, is generally known to have possessed. Information as to the proper quantity and use of quick lime, and some directions to avoid waste and injury in the operation of boiling, are the principal instructions wanted by our farmers and planters to make good Muscovado sugar from the proper kind of the American maple tree. While the Governments of Europe labor so incessantly to discover a vegetable production which will yield them sugar, we

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enjoy, from the gift of Providence, a great favor in the sugar maple trees which overspread our country. If we have but a limited quantity of cane land, it is happy that we possess very many more than the requisite number of sugar maple trees.

The substitution of this sugar for molasses, or the use of it when it reaches the condition and substance of molasses, is a further object to our country, which imports many millions of gallons of that commodity from foreign countries. With a view to the economy of drink, this is a most interesting consideration.

But sugar and molasses are so auxiliary to household preparations of various kinds, and to several great and small manufactures, and they are so acceptable to the great mass of our increasing population, that there is no reason to doubt that there might be a good market for all the sugar we can procure, not only from our canes and maple trees, but by the most active commerce. Consumption at home, and free exportation, will ever support the price. Sugars of every quality have increased in value throughout the world within a few years.

*The Sugar of the Cane.*—This interesting commodity is, in the United States, in the crude form, little more than an agricultural production, and, in its best refined condition, an elegant and grateful manufacture. After the acquisition of a cane district, by the purchase of Louisiana, it was apprehended that the Constitutional impediment to the importation of slaves would have at once deprived us of much cane sugar, which our newly acquired country would produce, and, in some degree, affect the prosperity of the Delta of the Mississippi. But the reported production of nine millions six hundred and seventy-one thousand pounds of the sugar of the cane in Lower Louisiana, in the year 1810, with one hundred and seventy-nine thousand five hundred gallons of molasses,\* is considered as far short of what that country will be quickly made to produce, by the general adoption of the new and curious operations in the culture of cane and the manufacture of sugar, which are found to be practicable. The new course appears worthy of particular attention.

Instead of the employment of slaves, requiring a very burdensome advance of capital, and an expensive subsistence, the occasional labor of neighboring or transient hired white persons is often used to prepare the grounds with the plough and harrow, to plant the new canes, to dress the old ones, and to clear the growing plants from weeds. The same or other white laborers are afterwards employed by the planters to cut, and stack under cover, the ripened canes, so as to prepare them for the grinding mill and boiler. The operation of planting occurs after the sickly autumnal season, and before the vernal; and the operation of cutting also occurs in the healthy

season, at the end of the following Autumn. The service is not, therefore, unhealthy.

It is considered to be expedient that the planters who own, and they who cultivate the soil, should not expend great sums in the establishment of mills and sets of works on all the sugar estates, after the manner of the West India colonies of the European States. But it is found more convenient and profitable to leave the business of grinding and boiling to one manufacturer of Muscovado sugar, for a number of planters. These persons, like the owners of grain mills and saw-gin mills, can be employed for a toll in kind or part of the produce, or for a compensation in money. By this method a tract of two miles square, or three hundred and twenty perches square, which will contain twenty-five plantations of above one hundred and two acres each, may be accommodated by one central manufactory of Muscovado sugar from the cane stalks; for none of the plantations will be more distant from the boiler than a single mile—a mere city portorage or cartage. Refineries, making white sugar, and distilleries, may be added, and the economy and accommodation to the planters will be more complete.

The effect of this division of labor and ownership will be rapidly to bring into the most complete and productive cultivation all the cane lands in the United States, and to advance the various manufactures of this valuable and wholesome agricultural production. The easy and cheap maintenance of cattle, the abundant supplies of provisions and building materials for man and beast, and the redundancy of fuel and cask lumber, with the benefits to our planters from being more frequently and comfortably their own stewards and overseers, will greatly redound to their convenience and profits. The exemption from duty on their Muscovado sugar, their refined white sugar, their molasses, and their rum, is a very great advantage to the manufacturers of and from the brown sugar and molasses of the United States.\*

*Wines of the Grape.*—The proper wines of the grape, of the best qualities, are those produced in various climates which are found in the United States, if reliance can be placed upon the indications of temperature which I have ventured to suggest. To the kinds of that liquor which have been mentioned, the celebrated wine, called Tokay, may be added. It is produced near a place of the same name, situated in Hungary, in 49° north, in a temperature approaching to that of Champagne, one of the best wine districts of France. This situation may be considered as nearly corresponding with that of the country around the common point of contact of Virginia, Maryland, and Pennsylvania. The exquisite wines of the Cape of Good Hope, particularly the red and white Constantia, which are produced in 34° South, a position deemed colder than the same latitude North,

\* There were made, also, 239,130 gallons of distilled spirits out of 239,130 gallons of molasses, in Lower Louisiana, in the year 1810.

\* It is understood that the sugar cane has been successfully cultivated on the coast of Georgia, within thirty or forty miles of the ocean.

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may be also added. The Madeira produces there an excellent wine.

It has been understood, within a short time, that some enterprising and well informed emigrants from Germany, after careful experiments, have considered the temperature of the southwestern corner of Pennsylvania as suitable for the production of the Rhenish and Moselle qualities of wines. This fact contributes to support the opinion, that it will be safe to count the degrees and minutes of common temperature in Europe and North America, respectively, from Lisbon and St. Augustine or New Orleans.

It appears by the returns, that about ninety-six quarter casks (a quantity of good red wine worthy of notice) have been made by a few Swiss settlers, from the Madeira and Cape of Good Hope grapes, on the river Ohio, in about 39° North latitude, in the Territory of Indiana. It is also understood, that a good wine, really fit for table use, has been made in the vicinity of Columbia, in South Carolina. Other experiments have been made, with various success.

The grape vine of several distinctly different species is indigenous in the United States, and is found in every degree of latitude, from the river St. Croix to the Gulf of Mexico. It is, doubtless, from such original stocks, in corresponding temperatures of Europe, that its several present excellent wine grapes have been obtained by selection, choice of position, and soil and cultivation. The skill of the wine makers, resulting from practice, and improved by the relative arts, has curiously perfected the manufacture of wine. This commodity rewards, by profit and pleasure, the skill and exertion of its improvers. A striking difference, very interesting to the United States, occurs in the characters of certain great classes of foreign wines, extensively used in this country, a statement and attempt to explain which may contribute to improve the future operations of the wine makers of the United States.

It has been constantly observed that, although the superior red and white wines of France (the Burgundy, the finer Clarets, and Champagne, and the Sauterne) are proved by the hydrometer to be as strong as some, and stronger than others, of the wines of Spain, Portugal, and their wine islands, (the Sherry, the Pacharetta, the Lisbon, the Carcavella, the Madeira, the Teneriffe, the Fayal, and the St. Michael's,) yet the French wines can only be kept in bottles well corked and sealed, while the latter are constantly kept upon tap, in half emptied casks. It is also observed, that, within a few hours after the uncorking of a bottle of French wine, especially of any of the superior qualities, it becomes sensibly bad, while these white wines of Spain, Portugal, and their islands, remain good, and some of them even improve in decanters, which by accident have remained long unstopped. This difference is considered to be occasioned by the fact, that the spirit of the French wine is its own natural and proper fermented spirit, while the Portuguese and Spanish wines have, in addition to their fermented, infusions of distilled spirits or brandy. The

French wines, soon after their exposure to the air, by the drawing of the cork, are believed to recommence fermentation, and are quickly injured, having been before sufficiently and most perfectly fermented; while the distilled spirits in those wines of Spain and Portugal, prevents a similar recommencement of fermentation and its consequent injuries. Distilled spirits have no sensible fermentation.

Believing in this cause of the difference between those two great classes of wines, and deeply impressed with the importance of that difference, in several views, I submitted the facts, in a guarded and informal conference with the President, Vice Presidents, and several other learned and judicious members of the American Philosophical Society, at one of our meetings, in a manner which led to suggestions of the moment, from the gentlemen, respectively, in order to attain a knowledge of the cause; and, after hearing the whole, that which I have stated was also submitted to their consideration, and was received with as much assent as the nature of the learned body and of the subject rendered proper and necessary, on a new and informal communication. This matter is introduced here as the foundation of a suggestion, that, in the wine making business of the United States, in internal situations, where bottles may be costly or unattainable, a cautious infusion of the barely necessary portion of homogeneous distilled spirits (the purest and best brandy of the grape) will, probably, enable our citizens to keep their wine as they keep those of Lisbon, Xeres, Madeira, Fayal, and Teneriffe, in half empty casks and common decanters. Thus, not only a great and universal economy in respect to bottles may be made, but the practicability of keeping wines, in a condition fit for use, may be extended to all situations, and to every store keeper and family. Hitherto the manufacture of fermented liquors has been impeded, by the expense of bottles, and often by the total want of them.

As the grape and its wines and essential salt (known under the name of cream of tartar) are of very considerable importance to our interior country, which must receive foreign wines at costs and charges, which a great majority of the people cannot sustain, and as wine has a high value as an inducement from distilled spirits and as a medicine, besides the value of the fresh and dry grape, it is a matter of real consequence in this statement, that the success of the wine manufacture appears to be rendered certain, by the variety and universality of native grapes, by a number of successful experiments, and by the correspondence of temperature between parts of our country and the districts of the Tokay, the Champagne, the Moselle, the Rhenish, and the Hock, the Burgundy, the various Clarets of Bordeaux, the Sauterne and Grave, the Oporto, the Lisbon, and other superior or estimable wines of the European continent, and those also of the Cape of Good Hope. Extreme heat does not appear necessary or even favorable to the happiest concoction of the juices of the grape, the orange, and fruit in general. France, not less distinguished



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for its various and exquisite fruits than any other country, has no point more Southern than 42° 26' North latitude. In considering the character of Madeira and its wines, it will be remembered that it is a small and elevated island, and similar considerations, as to temperature, arise, in regard to the Constantia vineyards, at the Southern point of Africa, the Cape of Good Hope, which must greatly partake of insular characteristics.

*Other fermented liquors.*—The moralizing tendency and salubrious nature of these manufactures, recommend them to a serious consideration, and particularly in our country. Distinct views of those of the wines of the grape, customarily, and of the currant or Corinth fruit, have been submitted. Beer, ale, porter, cider, and perry, manufactures of great aggregate importance to the farmers, remain for notice. The difficulty and expense of procuring a supply of strong bottles, and a peculiar taste for lively or foaming beer, which our Summers do not favor, have been principal causes of the inconsiderable progress of the manufacture of malt liquors, compared with distilled spirits. The absence, or the infrequency of malting, as a separate trade, has also operated against brewing in the small way, and in families. The great facility of making and preserving distilled spirits, has occasioned them exceedingly to interfere with the brewery. The liquor of peaches, hitherto deemed incapable of use without distillation, greatly prevents the use of beer in a very extensive region of our country, where the peach tree grows with the freedom of a weed, and where its fruit is of the best quality. Cider, which is abundantly produced in another very extensive region, rivals fermented malt liquors, as a common drink, and a material for a customary concoction (the cider royal) and for distillation.

A method to preserve beer, and other fermented malt liquors, on tap, in half full vessels, by peculiar constructions of the casks and the cocks, has been invented.\* The manufactory of glass bottles is likely to continue to increase. The cork tree might be established in all our climates south of the Chesapeake. The manufacture of wire, for securing the corks, is commenced with abundant capital in several places. The sealing materials for bottled liquors, are cheap in America. The manufactures of the brewery are diversified in the shapes of porter, pale ale, brown ale, strong beer, and small beer, to suit all tastes, and to accommodate all climates and consumers. The want of a head, or top of foam (or cream, as it is popularly called here) is now known to be observable in the tap beers of Europe, and it is presumable that this object of fancy, or taste; will not, therefore, be in future deemed indispensable in the American tap houses and families. We have been used to consider the want of this foam as an evidence of badness. The brewery must be expected to improve in the United States, as it manifestly has, since the introduction of the

pale ale and porter manufactures, in 1774. The exportation of malt liquors, and their coasting transportation and sale, have been very much increased.

So great inducements from the cultivation and production of grain arise from the cultivation and growth of raw materials, including cane sugar, and from the very increased attention to sheep, and horse, and cattle farming, that the great farmer's manufactory of cider must extend, increase, and improve. The high price of flour, also, diminishes attention to grain liquors. The first qualities of cider are more valuable than the inferior wines are to the cultivators of France, the Azores, the Balearic isles, the Greek isles, the Canaries, and other wine countries. Cider is particularly convenient to those States whose settlements are completed, as it requires the use of but little land, and not the exclusive use: for orchards admit the cultivation of the ground. The distillery in those fully populated States, is chiefly from apples, to the north of the Delaware. The preservation of cider, without the expense of bottling, is more practicable and more general than that of fermented malt liquors.

The exquisite and various flavor of the North American peach, in the most favorable situations, and the ease with which it is propagated in such places, give rise to great solicitude, that nice and careful experiments should be made of the quality of the clear fermented liquor it would yield. Whether the attempt would succeed best, if the peach were treated like the grape, the apple, and the pear, in making wine, cider, and perry, or whether it would best succeed, if the fruit were treated in the manner of the currant, experience would determine. In the former cases, proper grape wines, cider, and perry, are made of the juices of the grape, the apple and the pear, without water, and often without brandy in the wine; always without brandy in the farmer's cider, and in perry. In the case of the currant wine, brandy is sometimes added, and sometimes omitted; sugar is always added, on account of the acidity of that fruit. The peach would not require that addition. There seems to be reason to fear it may prove too saccharine. It ought, however, to be remembered, that the wine of France, called Frontignac, is of an extreme sweetness, with less pungency than the juice of the peach. It is possible, too, that the peach juice, fined, and with or without an infusion of brandy, might be preserved as a sweet, to mix with other things; it would probably require the bottle. The ease with which the peach is raised throughout the United States, and its application, hitherto, to the table, only in its fresh and dried states, and to the distillery, invite to endeavors to extend its utility. So copious an addition to our substitutes for cane sugar, in the form of a sweetening treacle, and of so exquisite a flavor, would be very valuable, if it could be rendered conveniently attainable.

The ancient fermented liquors, made of honey, call metheglin, and mead, are not mentioned in any of the returns, though they have been long made in the United States—the former in consid-

\* By the present Mr. Robert Hare, a native of Philadelphia.

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erable quantities. They would fairly contribute to swell the aggregate value of our household manufactures.

**Distilled Spirits.**—Numerous and valuable improvements in this manufacture have been effected. By making spirits of sixth proof, (Jamaica rum and French brandy being only fourth proof,) the transportation of American distilled spirits, from distant interior places, is effected upon more favorable terms, according to the value, or a lower rate per centum. The empyreumatic oil is frequently and easily extracted by a patented operation, and the bad flavor of ill tasted spirits is taken off. The quantity of distilled spirits reported, is 25,804,792 gallons, equal to 234,589 puncheons, of about 110 gallons each, very far exceeding all the West Indian and South American rum, or spirits, and molasses, of every foreign Power. Our manufacture of spirits is partly from foreign and American molasses, oats, Indian corn, buckwheat, wheat, and potatoes, but principally from rye, apples, and peaches. The comparative importance of this distillery will be more clearly understood, when it is known that the amount of all the rum and spirits imported from the British colonies, into England, in 1785, was 18,184 casks, of 110 gallons each. It is true, that there was a considerable exportation from the British West Indies to the United States, some to the Northern British colonies, and a little in other directions. But the American distillery, at present, very far exceeds the whole. It will certainly continue to receive considerable support from foreign consumption.

The unobserved rapidity of the growth of the grain distillery, combining with the extension of the brewery, and with the increased consumption of the various meals, by the manufacturers, and the modern cultivations of cotton and sugar, have greatly contributed to maintain the high prices of wheat and Indian corn: for, the rye and barley, which have been raised for the distillery and brewery, have employed a proportional part of the cleared land and labor of the country. But, as our objects of cultivation have increased in number, and continue to increase, and as grain will be raised in a less proportion, according to our population, and our manufacturers, cotton growers, sugar planters, and cattle farmers, will require large supplies, the original necessity for the grain distillery will decrease. Cider, and wines of the grape and currant, will, at the same time, increase, and will materially interfere with the grain distillery by their rivalry, and by their employment of a portion of our industry. The distillery of the potato is said to be very profitable and increasing, and the flavor may be improved by the extraction of the empyreumatic oil, in the patented manner, as very profitable, and as moralizing rivals of distilled spirits. All the other drinks, such as fermented malt liquors, cider, currant wine, perry, and grape wine, are respectfully conceived to merit a sanctioned investigation, and perspicuous display, for the use of the people.

**Chemical Preparations.**—This branch of man-

ufactures has been a great source of profit in Holland, Germany, Great Britain, and France. Our rapid and very great attainments in it are evidences of the enterprise of our citizens in trade and business, and of their progress in science and useful knowledge. The sugar refinery, distillery, and brewery, may be considered as ancient and important parts of this branch; but the operations, to which reference is most particularly intended, are those of the proper chemist's laboratories, for drugs, medicines, tinctures, extracts, dyes, and pigments. These have been extended with great skill and profit. The works, the capital, and the talents, which are constantly added to this business, insure its permanency and success.

Soon after the acquisition of the Southern lead mines, establishments, to make pigments of that material, were erected, in one season, sufficient, with the new shot factories, to employ that portion of the addition which was likely to reach the Atlantic ports. Red and white lead and patent yellow are now made in very considerable quantities, and, operating with the other manufactories of the same raw material or metal, occasion a demand upon the miners and the merchants for much more than they supply. Besides these, a great number and variety of other preparations of paints, drugs, tinctures, extracts, &c. are constantly made, so as to interfere with the importations, in some instances, and to prevent them in others. The practitioners of physic, various artists, and builders, derive great assistance, in their respective operations, from these manufactures, and, by a selection of faithful makers, have it in their power to avoid those fraudulent and pernicious deceptions, which few importers can detect, and none can entirely prevent. It would be favorable to morals, to the public health and interest, and to the internal and external trades, if these and other manufactures, liable to adulteration, were required to be sold with evidence of the maker's name.

**Bricks and Brick Clay.**—There are very great quantities of brick clay, or common potters' clay, in the United States; and in numberless situations adjacent to abundant woods and forests, and frequently to fossil coal. These clays are very generally impregnated with iron, and, therefore the bricks, tiles, and potters' wares, usually become red when burned. The implements, utensils, and instruments, employed in the manufacture of bricks, have been considerably improved, so as to make very good and handsome work, with great despatch, saving labor. The pottery being effected by preparatory horse mills and turning machines, we save the time and work of the operators, and give regularity to the form of their wares. Twenty-two labor-saving projects have been offered in brick making alone. This beneficial principle thus frequently occurs in a branch which does not at first view appear susceptible of the advantage of labor-saving machinery. A horse mill might be made to turn a number of potters' forming wheels. Red hearth tiles, of a very nice quality, are made; the clay might be freed from extraneous matter, and pre-

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pared in moulds, plain, fluted, or figured, so as to be formed into tablets, facies, columns, pilasters, and other ornamental matters, of the same color as the general brick work. The marble now used for such things, would be left for other and more convenient or necessary purposes. The official returns of manufactures of bricks are everywhere very defective, and in most places these simple manufactures are entirely omitted. There is some exportation, and much coasting trade, in bricks and various tiles for masonry. The use of unburned bricks, and walls composed of large regular pieces of earth, and earth and sand worked into an adhesive state, with and without lime, has been adopted in some places. Bricks cannot be imported without a loss. The few that arrive are brought as ballast, and do not injure the American manufactory.

*The Pottery.*—The manufacture of ordinary ware, of common potters' clay, is very much extended in the United States. It is of great use in dairies, kitchens, larders, store rooms, sale stores, and manufactories. Crucibles are made in several places. Black lead is redundant. Some manufactures of potters' ware, of qualities fit to substitute for queens' ware, or British Staffordshire ware, have been established. The manufacture of the common potters' ware, of clay, which becomes red in the kiln, is capable of improvement, by judgment in the choice of clay, and skill in preparing it; also in the formation, glazing, and ornaments. Within a few years, more numerous, and better veins of potters' clay have been discovered, in consequence of the attention to manufactures, than had been observed during the seventeenth and eighteenth centuries, which have elapsed since the settlement of North America. The spirit of improvement in every branch of internal industry, affects the establishment of manufactures as rapidly as the ascertaining and making known the suitable qualities of materials, in convenient situations, take place. Every kind of fuel is abundant, the clays are not deficient, and some workmen arise, and others arrive among us, from various countries. The freight, cost of packages, breakage, other charges and losses, on potters' ware, are very great.

The lead colored potters' ware, often called stone ware, is also made of clay, and salt, and pot ash. It is of the same kind which was formerly imported from Holland, at a very great expense. This manufacture is from a clay which does not become red in the kiln.

As the establishment of potteries has succeeded in the Atlantic counties, it cannot be doubted that they will be more beneficial in the interior and western districts, where fuel, grounds, and building materials, are cheap, and where the breakage and expenses of transportation of foreign ware, over land, occasion the prices of the unbroken to be excessive. It is affirmed, in the strongest manner, by persons of judgment and skill, that the requisite clays and flints for the branches of the pottery, called English china and queens' ware, are very far beyond any possible wants of this country, for internal consumption

or exportation. The Vermont clay is held in much estimation.

There is no manufacture for which this country is now more perfectly prepared than for those of potters' and glass wares, nor is it probable that the progress of any other manufactures will be henceforth so rapid; the consumption is very great and increasing.

*Glass.*—The manufacture of glass has made, till of late, a slow but considerable progress. It has been, however, astonishing, that an article so costly in the importation, so much subjected to loss by breaking, in the importation and in the transportation over land, and so universal in its consumption, has not made a rapid progress in the Western and midland, and even in the Atlantic sections of so well-wooded a country, so full of the materials. Wood fuel, and consequently alkaline salts, are to be procured with a profit, because the lands from which a glass manufacturer or potter should take them, would be greatly increased in value by the removal of the wood. The diffusion of the knowledge of this art by examination, statement, engravings, and instruction, would produce much gain in the United States. Our inexhaustible stock of wood actually cumbers much excellent soil, and suspends its cultivation and production. Fossil coal is abundant in several extensive districts. Large tracts of land, convenient to the materials, covered with wood, and accommodated with water, are purchasable upon very low terms, and on even long credits.

Seven of the States and districts made returns of twenty-three or more glass manufactories, in 1810, making glass of materials lying everywhere on the surface of the earth—a vast proportion of which is unused. The amount of goods made was \$1,046,004. When this fact is considered, and the encouragement given to manufactures by the state of things since 1810, by the new duties, and by the war, it cannot be doubted that the necessary and convenient part of the glass manufactory is rapidly becoming sufficient for our consumption. The whole value of the British glass manufactory, in the year 1783, was considered to be \$2,800,000 for eleven millions of people; yet they exported considerably to Ireland, their colonies, and to the United States. It appears that our glass works in 1810, were far more numerous and productive than was then supposed. New works have been since erected. There are great savings and large profits to a number of the American glass manufacturers, arising from their obtaining buildings, materials, fuel, and produce, from the lands they purchased, at very low prices, for those works, and from the sure and steady increase in the value of lands so purchased in the United States. The constant improvement in the style of the buildings in this country, the erection of houses in new towns, and on new farms, the extension of these into interior situations, the improvement of the glass manufactory itself, and the export trade, assure to the glass manufacturers in the United States, a good, steady, and increasing demand.

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It is manifest that the United States have made great progress in the manufactory of fermented liquors, and it is believed that their lessened proportioned attention to the bread grains, in consequence of the cotton, tobacco, sugar, and indigo cultivations, horse, sheep, and cattle farming and mining, will occasion more future activity in the brewer's, farmer's, and housewife's manufacture of fermented liquors, which will greatly increase the demand for glass bottles. Many old and new branches of manufacture also demand large numbers of those vessels. Our increasing population requires a constant addition. We have not yet discovered any considerable quantity of tin, which is one of the materials to make pewter, and our Summers incline the people to use glass drinking cups, (which are indeed preferable, from their facility to be quickly and nicely cleaned) to any other drinking vessel. The people of this country will, therefore, always be great consumers both of the useful and elegant glass wares. The importation of hollow glass ware, and looking glass plates, is extremely expensive, especially to the inhabitants of the interior.

*Silk.*—The steady and increased application to the prevalent household manufactures has prevented any considerable attention to breeding silk worms. Our manufacture of silk, from the immediate production of the worm in America, is very small. It is chiefly from foreign silk, and foreign silk thread; which last is wrought into fringe, tassels, buttons, and other fancy goods of taste and fashion, and is used in making up clothing and furniture.

The most interesting manufacture of silk for the United States, is that of bolting cloths for our flour mills. There are no difficulties in the way of procuring enough of the raw material to manufacture this necessary class of silk goods. It is true that importation may be expected certainly to furnish the quantity of those cloths which we shall want. But the peculiar value, or rather the indispensable necessity for this commodity, renders it desirable to hold it up in the most striking point of view. Holland, without any particular advantage over us in the manufacture, and in some respects less prepared for it than we are, has been induced, probably by her numerous flour mills, and the profits she derived from the manufacture of bolting cloths, to enter into it in a greater degree, in proportion to her population, than any other nation. The general silk gauze manufacture, of which this may be considered as a branch, has very much declined; so that experienced weavers might be drawn to America in any requisite number. The necessary importation of raw silk can always be made, if other objects should continue to employ private families. The infirmaries on the Southern estates, which have been already mentioned, would be convenient places for breeding silk worms. The climates of our region of colored population are those of the great silk countries, and persons well enough to move with comfort may tend the silk worm. Connecticut has done much in the production of the proper mulberry tree and of the silk, as well

as in the manufacture of cloths of silk, though in a colder climate than those of the worm in Europe and Asia. This worm does well in dry countries. From such facts our capacity in the silk business may be considered as common to a great number of the States.

It appears that countries so successful in commerce and manufactures, and parts of those countries so populous and extensive, prosecute with such steadiness the production and manufacture of silk, that the subject must be worthy of a more profound and minute examination, than has yet been applied to it in the United States. Between the Southern extremities of Italy, Greece, and Spain, which, being peninsular, are probably of the warmth of our State of Louisiana, to the latitude of Presburg, in Hungary, which nearly corresponds in temperature with that of Baltimore, in Maryland, are found the innumerable silk worms of France, Spain, Hungary, Germany, Switzerland, Lombardy, Italy, and Turkey. In most of those countries, the merchants, the manufacturers, and the householders, pay a great and increasing attention to the production and commerce of unmanufactured and manufactured silks, of every description and quality. Similar facts occur in the corresponding climates of Asia. In many of those regions of the ancient and modern manufacturing and trading nations, the production, manufacture, and commerce, of silk, have been pursued through a long series of ages. They are maintained at the greatest known height, at the present time, when rival productions, manufactures, and trades, constantly employ an immense mass of capital and population. It is true, also that there are, or have been, in Great Britain, the whole of the Netherlands, and many parts of Germany, which do not produce silk, very considerable manufactures of that raw material, which they import from Italy, Turkey, and India. These facts satisfactorily prove, that the production of a surplus of silk is profitable in some countries, and that the manufacture of that surplus is found to be advantageous to other countries, which do not produce that material. The Governments and people of the United States cannot observe without impression our constant importations of foreign silk goods, in parcels, amounting, sometimes, on board of a single vessel, to six hundred packages. There does not occur to recollection any employment so suitable for the decrepit, the valetudinarian, and the aged part of the national population. It appears, also, to be compatible with the pursuits of all persons who rarely go abroad, and with those of such as can make it convenient to remain generally at home. Silk is so easily and abundantly producible, that it is found to be the most economical clothing of the poor of China. It requires no ownership nor tenancy of soil. There are some prepossessions against the production of silk in the United States, but the pursuit of it has been so long continued in many countries, and the results are so considerable, that it is much doubted whether the subject is correctly estimated. A complete examination of it, throughout its districts of foreign

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production, manufacture, and commerce, with the relative examinations in our own country, with the proper application of the whole, would be a useful service.

*Salt.*—The manufacture of salt, from springs in the interior country, is very imperfectly returned. New York is understood to return about 300,000 bushels per annum, and it is represented that the quantity can be increased. The Ouabache Saline made, in 1809, about 130,000 bushels, of which there is no return. Other salt springs have been discovered on the banks of the Kenhawa. The manufacture of salt, (and that of glauber salts, which are procured in the progress of the work,) on the seacoast, is considerable and increasing, and has been very favorably affected by a recent discovery. The flowing of the sea near to Cape Henlopen, in the Delaware State, occasions a collection of salt water in a great sandy pan, or extensive shallow cavity. In this cavity the evaporation of much of the water appears to take place, while the remainder is absorbed by the sand. This occasions the saltiness of the absorbed part to be much increased. That briny water is subject to further evaporation, till it reaches a clayey bottom, which lies under the sand. By uncovering this clay bottom in places, and making short trenches in it, opportunity is given for the evaporated water to pass into them. When taken in vessels from these trenches, the water is found to be strong enough to float an egg, and of course produces a much greater proportion of salt than the common sea water. Sometimes this water from the trenches is converted into salt by mere evaporation. On the French Atlantic coast, such clayey bottoms occur in the salt district, and are highly valued.

It is said that such great pans, or shallow cavities, or receptacles of sea water, are numerous along the coasts of the United States. They ought to be brought into immediate use, as in Europe.

The salt works at Cape Henlopen are stated to produce nearly 2,000 bushels per week, or 100,000 bushels per annum. Only a small part was reported in 1810 in the Delaware return. It is believed that the increase has been so considerable as to amount to the quantity now mentioned. This new advantage in salt works may not only occasion a great extension of the manufacture, but may produce savings of labor and fuel. It is possible that situations remote from the mouths of great rivers may be most favorable for salt works, as the sea water is perhaps less briny where a great body of fresh water is disembogued. Islands are found best on the coast of Europe. It may not be amiss to consider the temperature of places, on that coast, where salt is manufactured. Cadiz, Lisbon, and the south of France, (no part of which is less than 42° and 26' North,) may be considered as the great sources of salt on the continent of Europe. The coasts and islands of Georgia, and the shores of the Gulf of Mexico, appear to be much more favorable for the manufacture of salt than the southern districts of France, and situations upon the Gulf seem more

likely to be suitable than the vicinities of Lisbon and St. Ubes, so far as depends on temperature. Long droughts and a climate of a general dry character must favor the manufacture. Fuel in abundance can be procured in America, where the manufacture by solar heat is not yet found to be practicable.

It is probable that the manufacture of the best pearl ashes, out of the common ashes produced by fires of the salt makers, might conduce to the profits of salt works. It ought to be remembered that the ashes of the pine and all other terebinthine woods are considered as unfit for the ordinary manufacture of pot ash.

Other wholesome and agreeable antiseptics are substitutes for salt, and are sufficiently relative to a competent manufactured supply of salt to merit suggestion. A considerable portion of brown or unrefined sugar, or of molasses, rubbed on meat intended to be pickled, or coarse sugar or molasses, mixed with the salt and water in certain proportions, with or without saltpetre, is known to contribute to preserve meat, and to prevent its growing hard. This is a well tried fact, highly interesting to everybody, when salt is scarce and dear, and it is peculiarly so to the owners of sugar maple lands. To this method of saving salt, or lessening the demand for it, may be added the adoption of the practice in Canada, and in some parts and families of the United States, of placing meat in a situation to be frozen, and to be retained in that state while it is kept, in Winter, for family consumption. Ice houses have the same effect upon the economy of salt, in the warmest seasons, and merit the consideration of the farmers. They are built of logs from our woods, below the surface of the earth, and of logs and a very thick and close thatch, above the surface, for a very small value of labor, and less of materials.

It is a good operation, in manufactures, to make substitutes for such things as cannot be obtained in sufficient quantities. If, therefore, maple sugar and maple molasses shall be made use of to perform a part of the antiseptic and preservative operations of marine salt, and are, as we know, of a less scorbutic tendency, it is a great point gained. To make salt less necessary, by the use of the maple or cane sugar, or molasses, by freezing meat, and by ice houses, is equal to the effect of manufacturing salt in greater quantities.

It may be useful to remark, that the parts of the coast of France where the greatest quantities of salt are made, by the operation of the sun, are the coast of Brittany, Sainteuzé, and the country of Aunis, the most northern of which is of the temperature of our Virginia coast. They manufacture salt by fire, as far north as the mouth of the Seine.

*Cannon and Muskets.*—The quantity of iron cannon wanted has not, for a long time, been a matter of any difficulty to procure; the price being stipulated, so as to induce to the undertaking, the commodity is obtainable with certainty. It has been already mentioned, that the most approved practice is to cast them in the solid man-

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ner, with a spruce head, which, it is supposed, occasions a more perfect formation of a compact piece of ordnance, and is considered as conducing highly to its goodness, at and near the muzzle. The gun is then set in machinery, which turns it with a pressure towards a fixed instrument; this bores a calibre in the solid gun-form mass of iron, with great exactness and beauty.

Cannon are constantly manufactured, when demanded, to a very considerable extent, in the public armories of the Union, and of the States, and on contracts, and for sale to associations of citizens, and to individual purchasers, for use at home, or for exportation. Of these very considerable operations, there are some specific returns for 1810, under the heads of "gun makers," and "boring-mills," and it is presumed there are some included under that of iron foundries. The public armories, and their manufactures, are not particularly noticed in the returns; they are mentioned, as of 1810 also, in your report, in part.

The improvements in the manufacture of steel, and the experience in the general manufacture of arms, with the exigencies of the times, and above all, the evidences from the operations of individuals, of the States, and of the Union, under various administrations, that the expense and trouble of a judicious and rigorous inspection are required to be surely and effectually provided for, have made favorable changes in the condition of this important branch of our manufactures. But it appears highly worthy of consideration, whether, after a proper notice, military guns or pistols should be allowed to be sold, without the evidences of the inspection of a sworn and responsible officer. These are manufactures which obvious considerations require to be placed under a regimen, so well devised, and so strictly executed, as to prevent deception, and its most evil consequences. The numerous facts which have occurred fully prove that unfaithful, or unskilful, or at least insufficient work in this branch, is confined to no time, no place, no nation, no cost.

*The Fine Arts and the Sciences.*—The works of human genius and cultivation, which belong to the elegant and magnificent class of the arts, have a very considerable effect upon the convenience, utility, and profits, of those things, which are usually called manufactures.

A knowledge of architecture is necessary even to the cheapness of construction—geometry, which is the scientific basis of architecture, teaching the operator that, as a square contains the largest area within a certain extent of uncurved outlines, so the walls of a square building are less costly than those of any other right-lined edifice. The strength of the arch is taught in like manner. An analysis of beauty instructs us in the grounds of ornaments of curved lines.

The fine arts, particularly painting and sculpture, have beautified the manufactures of alabaster, marble, clay, plaster, and metals, and of wool, linen, cotton, and leather. The fine porcelain of France and Saxony, the statues and paintings of Greece and Rome, the modern imitations of them in paintings, statues, and casts, the elegant min-

iatures of alabaster, its various flowers and ornaments, the improvements in the composition and in the pottery of wedgewood, the imitations of the antique vases and figures in various gold and silver ornaments and utensils, and indeed of brass, the tapestry of the Gobelines, embroidery, brocading, dying, engraving, and the printing of linen, cotton, and silken cloths, are among the numerous examples that crowd upon the mind. The fluctuations and disorders of the Old World have occasioned innumerable transfers of the instruments, the libraries, the models, the works, the agents, and the lovers, of the fine arts, from thence to the United States. This truth is as simple, absolute, and well known, as the transfer hither of merino flocks, and of manufactures of fine wool, from their proper original countries. The effects of such transfers of much that was necessary for the interesting cultivation of the fine arts, either in their distinct and separate character and form, or as pleasing and beneficial auxiliaries to the useful arts and manufactures, are manifest to the attentive observer. A numerous body of professors and instructors, in music, painting, sculpture, architecture, and all the other branches of human skill and industry, of a character, in their respective arts and sciences, very far indeed above the colonial schools, and such, in numbers, in standing, and in talents, as nothing but the agitated state of Europe could so early have induced or driven hither, are seen in all our principal cities. Even by the musical branch, light as it may appear to many, the useful arts have been improved. The manufacture of every instrument, from the organ to the fife, involving considerable science, exempts us from the costs and expenses of importation, and the exhibition of the *Panharmonicon* has diffused instruction, in an electric style through every attentive mind, gifted with mechanical talent, or opened by education, in that branch of knowledge.\*

The advantages of military architecture, by land and sea, are perfectly obvious. It involves much and various art and science. Our display of skill in construction for the naval department is not surpassed, whether it be tested by promptitude of exertion, shortness of voyages, exemption from foundering, preservation from the dangers of a lee shore, safety in retreat from a superior foe, forcing an adversary into action, or the all-important workings of our ships of war, throughout the time of actual engagement. The construction and equipment of a ship require much art and science. They involve the use and benefits of the curious mystery of the magnet, those of the discovery of the compass, the science of chemistry in regard to the generation, refinement, and composition of nitre, the purification of sulphur, the preparation of carbon, and the adjustment of the whole; the doctrines of matter and motion, and of pneumatics and projectiles; the principles and practice of geometry and mechan-

\* The conception and the execution of this curious and complicated machine are very strong evidences of genius, and practical mechanical talents.



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ics, sculpture in the formation of the head and ornaments—a beautiful, extended, and peculiar symmetry; and various other matters in the fine and superior arts and sciences.

The improved state of our manufactures, with their buildings, materials, ingredients, compositions, instruments, and mechanism, involves a knowledge and a practice, in wide circles of the fine arts, and of nearly all the sciences.

In the branches of sculpture, the United States exhibit some works of merit, and of greater promise. In the useful part of the engraving department, our progress has been rapid and considerable, because there is a demand for the works of the artists. It has been accompanied by invention, evincing genius. In the ornamental and elegant part of sculpture, enough has appeared to prove that we have the art, if occasions shall draw it into frequent action. In wood, there are very honorable evidences of native talent, in various works of taste and fancy, and there are numerous works of that material in the statuary branch. In our marble, we exhibit some specimens, by foreign artists, far beyond the quality of the materials. The United States may claim eminence from the works of its native and adopted sons, in the various branches of the art of painting, and the superior works of civil architecture.\*

*Instruments and Agents of Manufactures.*—Machinery and processes to effect manufactures, so as to leave the manual industry of a nation for other employments, are of a degree of importance to the United States proportioned to the smallness of the average population on a square mile of our extensive territory. As we possess innumerable horse-powers, applied to digging and raking machines, to turn up and break the soil, and cover the seed grain, under the names of the plough and the harrow, to our incalculable profit, so we have water mills and steam engines, in numerous instances, and of diversified forms, to manufacture boards, bark, powder, flour, bar and sheet iron, nails, wire, carded wool and cotton, yarn and thread, metal plates of every kind, hair powder, snuff, gunpowder, paper, muskets, scythes, bolts, stocking web, various cloths, and printed and other goods. These and many other machines have been obtained from abroad, or derived from the actual and very considerable talents of our own citizens. The complicated silk mill, the first invention for yarn or thread, the fulling mill, and various other mechanical constructions, were acquired by the most extensive manufacturing nation of this time, in Europe, from her neighbors. The wisdom of the world has been, and is, attainable by us, as by other industrious and qualified nations, and the inventive genius of the people of the United States has produced

a very great number of curious and valuable instruments and machines.

Various important processes enable us to tan and color skins, brew, distill, rectify, refine, exact, combine, and separate the raw material or manufactures of the United States. The sciences and the fine arts, and the useful arts and manufactures, beneficially co-operate to obtain, what would be otherwise unattainable, or attainable with much labor and expense, and less perfection. In this department, foreign sources, the knowledge, and, indeed, the learning and talents of our citizens have yielded to the country vast benefits. Chemistry has rapidly become a very general study. Leather, glass, distilled and fermented liquors, drugs and medicines, dye stuffs, pigments, and all the metals, and the numerous preparations of them, all the salts, all the oils, and all the extracts, tinctures, spirits, and decoctions, with many other things, belong to this class.

It is in this country, as much as in any other, that the civil and religious freedom of the citizens enables them to display the value of, and effectually to use, those strong and various abilities and qualifications for different employments in life, which Divine Providence has imparted to the human mind and body. Such faculties for certain pursuits, when not used, are talents held in an unproductive state. To have kept Rittenhouse and Franklin in the usual employments of agriculture, would have deprived the country of the unparalleled planetarium, and of the safe conductor of the electric fire. But the history of such a man as Galileo presents the obstacles these eminent Americans would have encountered in some countries. It would have been a mine of wealth lost to the country if the talent to invent the saw gin, to prepare cotton for the manufacturer's card, had not been exerted, and if the inventive and fabricating powers of our citizens' minds and bodies had not been applied to steam enginery, to the machinery for nails, to rolling and slitting mills, to card-wire making, to carding, spinning, and weaving machinery, to fulling mills, to manufactures of grain, and other ingenious occupations, the curious merits of which are lost in familiarity.

It is a truth of the utmost importance, that there are now in the United States working examples, intelligible models, books of instruction, and qualified workmen, foreign and native, by means of which persons in almost every fine and useful art and manufactory can obtain good instruments, machinery, information, and assistants, to make and conduct valuable establishments for every raw material. The tables prove how extensively these things were diffused, so long ago as the Autumn of 1810. Since that period, a very rapid progress and a much wider diffusion in the useful arts and trades have certainly occurred.

Many curious and valuable inventions and improvements have taken place in the mechanical and chemical branches, and in the system of labor and political economy. Every month, every week, produces additions to them. Among these

\* The finest paintings may be considered as manufactures; and though temples and other magnificent buildings are not manufactures, they involve, like the works of naval architecture, a great number and variety of the operations and manufactures of the fine and useful arts and trades.

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are distillation by steam, the pendulum and lever mill, the machine for splitting skins, the pressed nail mill, the great increase of chemical preparations, for dyers, colormen, and manufacturers, the conversion of fossil coal into a pigment, the cask for preserving fermented liquors on tap in sound condition, weaving machinery in several new forms, the manufacture of edge tools, from rolled steel, various improvements to save fuel, the variations and extensions of the application of steam, the manufacture of opium from the common red poppy and from the lettuce, the increase of the pharmaceutic preparations to the number of seventy, the division of labor in the cultivation of the cane, activity in the manufacture of the currant wine, the tanning of deer skins, activity and ingenuity in the substitutions for wool, by the manufacturing of thick and warm cotton goods, and by cotton warps under woollen woofs, the machine for manufacturing dipped candles, the activity, extension, and improvement, of the sheep breeding and farming; the new employment of the children in the cities, boroughs, and villages, and the active employment of the females in general in manufactures, the extension and facilitation of communication between the producers and importers and the manufacturing citizens, by the various and unprecedented improvements in the Post Office Department, the extension of the funds of the manufacturers by many of the banks, which are solidly and rigidly founded, constituted, and administered, the introduction of new exotic raw materials, by means of commerce, and of laborers, artisans, and manufacturers, and processes of every branch from various foreign nations.

Foreign masters, as well as journeymen and foreign capitalists, have discovered that the United States afford extensive opportunities to employ themselves and their money in manufactures and the useful arts, as well as in commerce, navigation, stocks, banks, and insurance companies. These branches are as open to them here as are agriculture and the purchase of lands and houses in the most favorable States, or as they are to a native or naturalized citizen. Patented monopolies, processes, machinery, and tools, engrossed, for a time, by the foreign inventor in Europe, may, of course, be used here by all persons, without restraint or injury. In this high inventive and learned age these opportunities, in such a country as the United States, often redound to the great benefit of respectable foreigners, as well as to ourselves.

It has been attempted, by means of the marshals' returns, by a resort to other documents, by careful recollections, by observation, and by inquiry, to present in this digest such a statement of pertinent facts as appeared suitable to compose a body of convincing evidence, respecting the reality, the situation, the nature, the magnitude, the variety, the benefits, the materials, the means, and the tendencies, of the national manufactures. I respectfully submit a well considered and confident opinion, that this internal branch of trade has become, and will continue to be,

productive of the most solid benefits to the land and other interests of the country, and to give very considerable extension to the navigation, fisheries, coasting trade, and foreign commerce of the United States.

It was believed that the design of the present resolution of the Legislature was to procure facts on which they could rely, and in the best form admitted by the materials; and not estimates, which might be partial, erroneous, and, from their nature, doubtful. Estimates in innumerable details would diminish the force the returned facts would possess, separately presented. When it was observed that a single county in Massachusetts reported 89,600 common sheep, that one other returned only 10,000, another 1,939, another 1,600, and that eight others, abounding in sheep, returned none; that the statement from New Jersey was still more imperfect, and that twenty-one States, Districts, and Territories, did not return their flocks; that there were but eight returns of blacksmith's work, from \$3,998 to \$1,572,627; that, though one State reported nearly two spinning wheels to a family, there were fourteen omissions to return such wheels, with a multitude of similar facts, a present attempt to estimate in complete detail appeared likely to wrap up the principles, and the quantities, values, and other facts, which the returns exhibit, in a volume of matter that would obscure or diminish their proper and natural impression, and give rise to inconvenient objections to the whole document. I am, indeed, of opinion, that the extensive local knowledge, and very diversified information necessary to a detailed estimate, which should extend to various cities, towns, villages, counties, and townships, defective in their returns, or entirely unreturned, cannot be claimed by any individual. But, since it has been the desire of the Treasury Department that the best estimate that can be made should be attempted, I have very carefully examined and compared all those things which are of a nature to afford a sound foundation for such an operation. The defects of the local returns, the importation and production of raw materials, food, forage, fossil coal, and wood fuel, and the possession of mill seats, manufacturing capitalists, white population, machinery, and native and foreign manufactures, have been duly observed and considered, and an estimate of the whole value of the manufactures of each State, Territory, and District, for the year of the returns, has been so accomplished as to satisfy my own mind, in a considerable degree, as to its total amount, and to occasion me strongly to hope, that the amounts for the States, and other sections, respectively, are not materially erroneous.

Considering that the manufactures actually reported by the marshals and secretaries of Territories extremely imperfect, as many of the subordinate returns really are, in quantities, valuations, and even in notices of numerous small and great known manufactures, amount to the sum of \$127,694,602, after many goods have been deducted, which are not always classed, at least by

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commercial men, under the head of manufactures, I have ventured respectfully to offer an estimate of the whole manufactures of the United States, as worth, in the year 1810, \$172,762,676. The facility of retaining and steadily extending this valuable branch of the national industry is manifested by its early and spontaneous commencement in every county and township and by its nearly spontaneous and costless growth, with such aids only as have not occasioned any material expense or sacrifice to agriculture or commerce, since they were chiefly incidental to necessary revenue, or resulted from our distance from the foreign consumers of our productions, and manufactures of our supplies. The comparative importance of the manufacturing branch in the business of the country, will be illustrated by the reflections, that the greatest value, in one year, of the exports of American productions and manufactures, has been \$48,000,000, and the like value of the exports of foreign productions and manufactures \$60,000,000, under very extraordinary and transitory circumstances, which may never again occur. Foreign and domestic exports, in the greatest year, having thus amounted to \$108,000,000, a net profit of ten per cent. on the exports, and the same on the imports, being \$21,600,000; a net freight of vessels, worth \$45,000,000, estimated at ten per cent. outwards, and the same inwards, being \$9,000,000; and the aggregate of these great national items of mercantile trade being \$137,000,000, a comparison of the manufacturing and commercial branches of the national trade may be made and considered, and, as it is believed, without any probability of material or dangerous errors. Some confirmation of this view of our national operations, mercantile and manufacturing, may be drawn from the facts, that, in years of general peace and of regular and prosperous commerce, from 1785 to 1787, the average exports of England alone, with about 8,500,000 inhabitants, amounted to \$70,000,000; while their manufactures were computed at 266,000,000 of like money. By means of this great foreign case, as stated for their legislative use, and by means of the case of the United States, as it may be found to stand, after the proper investigations, it is probable that expedient and equitable measures may be occasionally or systematically devised.

The public expenses, incurred to promote, accommodate, and protect commerce, however moderate, just, and necessary, have been very considerable, compared with those incurred to promote manufactures. A portion of the navy, the beacons, buoys, light-houses, and public piers, with a part of the diplomatic and consular establishments, have occasioned expenditures, which, however reasonable, expedient, and equitable, are for the proper benefit of commerce. Nothing, equal to this, has been done for manufactures. The mere interest of the aggregate of those commercial expenses, for a single year, would produce, it is believed, new and important lights, guides, and aids, to all who are politically, professionally, or incidentally interested in the subject of manufactures.

Such being the truth as to any past expenditures, occasioned by this branch of the internal industry, it is conceived to be a duty to state it, as a relative fact, subject to examination and consideration.

This suggestion appears the more interesting, when it is remembered that the persons who, at this time, compose the entire body of the American manufacturers, their assistants and families, with a just addition for those engaged in household manufactures and upon the estates of the planters and farmers, constitute the second class of the national population, in respect to numbers. They are native, adopted, and foreign; adults and minors; rich, substantial, and poor; male and female. Our Federal and State constitutions and laws secure to them the right to pursue their occupations, and to obtain comfort and prosperity, in common with the rest of the citizens and inhabitants. They are diffused through all the States, Districts, and Territories; all the cities, towns, and villages, and all the counties, townships, and hundreds. They are found in every vicinity, and even in most of the private families. They are a part of the constituents of every member of the Territorial, State, and National Legislatures and Administrations, and are of every church known among us. They constitute a great portion of the militia, contribute to fill the posts and ranks of the army, and are parts of its necessary organization in several of their proper arts and trades, appear in numbers on the rolls of the mercantile vessels, of the public and private armed ships, and of the workmen they carry to preserve them from injury or destruction, by accident, tempest, or battle. They possess and employ property, real and personal, to a very large amount, and greatly contribute to the public revenues of the States, and of the Union, in the form of direct taxes, and duties on imports or consumption.

Opinions have been advanced in some countries, unfavorable to the morals of the manufacturers. But it does not appear that there is more vice among the description of persons indicated in the preceding paragraph, than in some other extensive classes of our population. Perhaps the smugglers, by violence and deception, are the most immoral description of persons of business in every civilized community. Their misconduct is, at the same time, most injurious to the country. The system adopted at the manufactory of Humphreysville, in Connecticut, with respect to education, manners, discipline, morals, and religion, is an interesting evidence that the people of the United States may quicken and increase the virtues of the rising generation, and reform the degenerate of later years, by a humane and politic system in the large manufactories. It may be correctly observed, that, while no commotions have dishonored the reputation of the manufacturers in this country, from this class of our citizens there have risen Nathaniel Greene, Benjamin Franklin, and David Rittenhouse, respectfully conceived to be comparable, without disadvantage to their respective memories and to

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their manufacturing brethren, with any equal number of ornaments and benefactors to their country, of any other single profession or occupation. The field of manufacturers, represented, in other parts of the world, to be fruitful in mischief and turbulence, has produced here a body of firm supporters of our constitutions and laws, and the most respectable examples of the civic virtues.

When it is considered that natural history unfolds the works of Divine Providence in the formation of our earth, of its productions, and of all its animated tenants; that chemistry displays their values, their relations, and their uses; general philosophy and particular geometry annually teaches man more and more to know the principles, the powers, and the laws, involved in the stupendous system of the universal frame; and when it is remembered that the arts and manufactures are the practical application of this extensive and precious body of human science, the branch of the national industry which has engaged the attention of Congress appears to be worthy of the most profound investigation and the most perfect display.

I have taken the liberty of detaining this statement to the last day permitted by your instruction, in the hope that, by the means which I had adopted, I should obtain additional information from several of the States, in the North and in the South, whose returns are manifestly and greatly defective. But none have been received. I therefore beg leave to conclude, with the remark that the form and details of the succeeding tables may facilitate the measures of the Government of the Union and of the States, in causing their officers occasionally to report further information, concerning particular branches, and respecting manufactures in general, with their raw materials, their means, and their instruments.

Submitting with perfect deference the preceding statement in all its details, I have the honor to be, sir, your respectful servant,

TENCH COXE.

To the SECRETARY OF THE TREASURY.

In the course of the numerous and diversified operations, occasioned by the deliberate execution of this digest and statement, constant and very close attention has been applied to those facts which have occurred throughout the Union, since the Autumn of the year 1810, from which a judgment of the condition of the manufactures of the United States could be safely formed. It has resulted in a thorough conviction that, after allowing for the interruptions to the importations of certain raw materials, the several branches, and the States, Territories, and Districts, have advanced, upon a medium, at the full rate of twenty per centum, which would give an aggregate, for this year, of \$207,315,211. In this increase, the State of New York is considered to have most largely partaken, especially by means of her joint stock companies. But, as it is best to make ample allowances for some repetitions of articles, which are inextricably involved in the subordinate re-

turns, a sincere and well reflected opinion is respectfully submitted, that the whole people of the United States, taken, in 1813, at eight millions of persons, will actually make, within this year, manufactured goods (exclusively of the doubtful) to the full value of two hundred millions of dollars, or forty-five millions of pounds sterling.

JUNE 21, 1813.

[PART III consists of a series of tables of the several branches of American manufactures, exhibiting them by States, Territories, and Districts, so far as they are returned in the reports of the Marshals, and of the Secretaries of the Territories, and their respective assistants, in the Autumn of the year 1810; together with similar returns of certain doubtful goods, productions of the soil, and agricultural stock, as far as they have been received.—These tables are entirely too voluminous for publication in this work.—*Editors.*]

UNSETTLED ACCOUNTS.

[Communicated to the House, January 31, 1814.]

WAR DEPARTMENT, Jan. 28, 1814.

SIR: Conformable to a resolution of the honorable the House of Representatives, of the 30th of July last, requiring the Secretary of War to lay before the House a view of the unsettled accounts in the offices of the Accountant of this Department, and of the Paymaster of the Army, and to suggest measures to secure the accountability of public agents, and to prevent the accumulation of unsettled accounts connected with the War Department, I have to report, that a satisfactory view of the unsettled accounts in either of these offices has not been, and (agreeably to the enclosed statements of the Paymaster of the Army and of the Accountant) cannot be, rendered by them, within any definite period of time.

The better to secure the accountability of public agents, and to prevent the accumulation of unsettled accounts, I have the honor to "suggest"—

1st. That an office be established, in which all accounts, whether in specie or in kind, connected with the Military and Indian Departments, shall be adjusted, audited, and settled, conformably to rules and regulations to be prescribed by the Treasury Department; and

2d. That, to render efficient the pay department of the Army, which is now but adapted to a small and peace establishment, and to secure the regular and punctual payment of the troops, a new organization be adopted, to consist of a Paymaster General of the Armies of the United States, with such deputy, district, and assistant paymasters, as the exigencies of the service may require, neither of whom shall belong to the line of the Army.

I have the honor to be, &c.

JOHN ARMSTRONG.

The SPEAKER of the House of Reps.

*Unsettled Accounts.*

ARMY PAY OFFICE,  
*City of Washington, Jan. 18, 1814.*

SIR: In the estimate which I had the honor of submitting to you for the compensation of clerks in this office, for the year 1814, I confined myself to the amount appropriated for the year 1813, under the impression that any increase which the public service might call for would be more properly brought to your view in the report which I was then about preparing. I have since thought, however, that it might as well be made the subject of a separate communication.

For the due examination and adjustment of the heavy and voluminous accounts of the several sub-paymasters of the army and militia, and of numerous recruiting officers, which are already rendered, and daily coming in, together with the current business of the office, I consider it my duty to suggest that an additional appropriation of at least 4,000 dollars, for compensation of clerks in the year 1814, appears to be highly necessary.

I would also beg leave to suggest the propriety of an appropriation of \$1,547 22 for contingencies of the office, (1,000 of which on account of the year 1814,) for the purpose of paying for books, stationery, printing, fuel, and other necessary expenses, including a debt already contracted for those articles, for the use of the office, for the last six months of the year 1813, of \$547 22.

The books, stationery, and printing, have heretofore (until the 1st of July, 1813) been paid for out of the general contingent fund of the War Department; but, if an appropriation be specifically made for those objects, as herein suggested, it will relieve the contingent fund of the War Department from them, relieve the officers of that Department from the settlement of the accounts, and remove the difficulties which at present exist respecting the construction of the laws on the subject.

I have the honor to be, &c.

ROBERT BRENT,  
*Paymaster of the Army.*

Hon. J. ARMSTRONG, *Sec'y of War.*

ARMY PAY OFFICE,  
*City of Washington, Jan. 24, 1814.*

SIR: I have been for some time endeavoring to make up a report conformably to the views of the honorable the House of Representatives, as expressed in their resolution of the 30th of July, 1813, and of your letter to me of the 4th of August last, but find it totally impracticable to make one by any means satisfactory to myself, or which would convey correctly the information which it would seem the resolution contemplated; and for the following reasons:

The debits and credits of the several sub-paymasters, recruiting officers, and others, who receive public moneys from this office, are constantly fluctuating; so also are the immense masses of accounts which are daily transmitted to it. Scarcely a mail leaves the city, east, west,

north, or south, but carries with it remittances to the above-mentioned officers. Scarcely a mail arrives from any of the four points of the compass but comes loaded with their accounts and vouchers. Not a day passes over but some of them are examined and settled at this office; hence it will appear perfectly impossible to give anything like the true state of open unsettled accounts, and I must beg the favor of you to state these circumstances to the honorable Chairman of the Committee of Ways and Means who introduced the resolution.

The letter which I had the honor of addressing to you on the 18th instant, is calculated for that part of the resolution which relates to measures tending to prevent the future accumulation of unsettled accounts in this office.

I am, very respectfully, &c.

ROBERT BRENT,  
*Paymaster of the Army.*

Hon. J. ARMSTRONG, *Sec'y of War.*

DEPARTMENT OF WAR,  
*Accountant's Office, Jan. 21, 1814.*

SIR: I duly received your letter of the 4th of August last, wherein you require to be furnished, by the 1st of November following, with a "statement of the unsettled accounts in this office, showing as well the amount of moneys which have been advanced by the Government, and the time when advanced or paid, as the amount of vouchers rendered by the individuals charged, the causes which have occasioned the delay of settling the accounts of the several agents and individuals who have received money from the appropriations made for the War Department, noting the time when their agencies or contracts expired, as well as the balances and amount of each now remaining unsettled." Since which my attention has been devoted to the accomplishment of the objects required; but such has been the great increase of the business of the office, that I have hitherto found it impracticable to furnish the statements; they are in a state of progression, and may possibly be completed during the present session of Congress.

In order to place you in possession of some of the leading causes of this delay, I will take the liberty to bring to your view the course that the business takes in its progress through this office.

It will be recollected that all the moneys appropriated for, and expended in, the War Department, are drawn from the Treasury, by warrants drawn by the Secretary of War, and countersigned by the Accountant, the amount of which, during the year ending on the 30th of September last, has exceeded nineteen millions of dollars. These warrants are all recorded in this office, and separate accounts kept of each specific appropriation out of which they are drawn, of which annual statements are furnished to Congress. The warrants thus drawn, are either for advances directed by the Secretary of War, or for balances ascertained on settlements made by the Accountant. For the advances, the persons receiving them are

*The Sinking Fund.*

charged and held accountable on the books of this office, and the settlements are made in conformity to law and established regulations, or by authority from the Secretary of War. All these transactions are entered on the books of the office, and quarter yearly statements of them are made out, and the accounts accompanying them transmitted to the Treasury for examination and revision.

In the prosecution of these duties it will readily occur to you, sir, that, where the expenditures of the Department exceed so far in amount those of ordinary years, the business of accounts must necessarily increase in a correspondent degree, even if the system according to which the business is transacted, were as well calculated for the one as the other. This I cannot avoid stating is not the case; and with the view of showing wherein the difference is most prominent, I will take the liberty of stating that part of the business in relation to advances and the manner they are now accounted for.

1st. As it regards the Quartermaster General's department.

It will be recollected that, by the acts of Congress establishing a Quartermaster General's department, the Quartermaster General is expressly exonerated from any responsibility for his deputies; the consequence is, that advances are made to the Quartermaster Generals, which they distribute to the several officers of their departments; these again advance moneys to others, and consequently, when one personal account is adjusted, it gives rise to a number of others, and in this manner the duties of this office, in relation to that department are increased to a degree more readily imagined than described.

2d. As it regards the recruiting service.

Officers commanding recruiting districts are furnished with money in advance, with which they are charged. These are branched out to officers of every grade in the army, with each of whom separate accounts are opened and settlements are required to be made at this office, and the same remark applies to this branch of the business, as it regards the number of personal settlements, as that made in relation to accounts of the Quartermaster's department.

3d. As it regards the Pay department.

The course pursued is, for the Paymaster of the Army to receive advances for the pay, subsistence, and forage, of the army, and for bounties and premiums, with which he is charged on the books of this office. His payments consist principally in advances to paymasters of districts, and to officers for recruiting. The district paymasters advance money to the regimental paymasters, and others, for the pay, &c., of the army, and by this process, when the Paymaster of the Army exhibits his accounts for adjustment, their settlement occasions the opening of a multitude of accounts, all of which are to be ultimately settled in this office.

4th. Commissary General's department:

Advances are made from this office to the Commissary General of Purchases, and to every dep-

uty commissary in service; separate accounts from each are received and adjusted at this office, to a very great extent; for, independent of the number of accounts which the advances are calculated to produce, the system directed by the act of the 3d March, 1809, by which every person has a distinct account opened under each specific appropriation out of which the moneys are advanced to him, the number of accounts which an agent of purchases, for instance, has open, amounts to ten or twelve, for each of which he renders quarter yearly accounts and vouchers, which are to be settled and entered on the books of this office.

When it is recollected that all these transactions are to be placed on record on the books of this office, that the accounts are all to be settled, the balances ascertained and paid, without any other examination than that which they receive at this office, I flatter myself that it will be found that all has been done which it was practicable to do with the force employed in the office, and under the circumstances above-mentioned, and that causes, not within my control, have prevented my complying with the contents of your letter within the time required.

I have thus, sir, mentioned some of the prominent features of the system, according to which a part of the duties of this office are performed, and some of the difficulties incident to that system. I could proceed to state the increased labor and time necessary to the adjustment of the great accumulation of personal accounts, the very great and increasing correspondence of the office consequent to that accumulation; but it will doubtless occur to you, sir, that, from what has been stated, some alteration has become indispensably necessary to the regular and punctual performance of the public business of this office; and the subject is accordingly respectfully submitted to you as the head of the War Department.

I am, sir, very respectfully, &c.

WILLIAM SIMMONS.

Hon. J. ARMSTRONG, *Sec'y of War.*

# SINKING FUND.

[Communicated to the Senate, February 7, 1814.]

The Commissioners of the Sinking Fund report to Congress as follows:

That the measures which have been authorized by the Board, subsequent to their last report, of the 6th of February, 1813, so far as the same have been completed, are fully detailed in the report of the acting Secretary of the Treasury to this Board, dated the fourth day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

E. GERRY,  
JAS. MONROE,  
W. JONES,

*Acting Sec'y Treasury.*

WASHINGTON, Feb. 5, 1814.



*The Sinking Fund.*TREASURY DEPARTMENT,  
February 4, 1814.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund—

That the balance of moneys advanced on account of the public debt, remaining unexpended at the close of the year 1811, and applicable to payments falling due after that year, which balance, as appears by the statement B, annexed to the last annual report, amounted to - - - - - \$502,513 85

Together with sums disbursed from the Treasury during the year 1812, on account of the principal and interest of the public debt, which sums, as appears by the statement C, annexed to the last annual report, amounted to - - - - - 4,474,558 19

Together with a further sum arising from profit in exchange on remittances from America to Europe, during the year 1812, amounting, as appears by the statement D, annexed to the last annual report to - - - - - 91,532 88

And with a further sum, being the difference between the principal of stock purchased during the year 1812, and the money paid for the same, of - - - - - 3,102 81

And amounting, together, to - - - \$5,071,707 73

Having been accounted for in the following manner, viz :

I. There was repaid into the Treasury, during the year 1812, on account of the principal of moneys heretofore advanced for the payment of the public debt, as appears by the statement E, annexed to the last annual report, the sum of - - - \$24,927 30

II. The sums actually applied during the same year to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the annexed statement A, to four millions seven hundred and ten thousand nine hundred and fifty-four dollars thirty-nine cents, viz :

1. Paid in reimbursement of the principal of the public debt - - - \$2,259,681 82

2. Paid on account of the interest and charges on the same - - - 2,451,272 57

III. The balance remaining unexpended, at the close of the year 1812, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the annexed statement B, to - - - - - 335,826 04

\$5,071,707 73

That, during the year 1813, the following disbursements were made out of the Treasury, on account of the principal and interest of the public debt, viz :

I. On account of the interest and reimbursement of the domestic funded debt - - - \$4,713,421 61

II. On account of the unfunded registered debt - - - 29 28

III. On account of the principal and interest of temporary loans, viz :

Payment of interest - \$127,067 10

Reimbursement of the principal - - 1,350,000 00

1,477,067 10

6,190,517 99

IV. On account of principal and interest of Treasury notes - - 4,239,925 80

V. On account of the interest on Louisiana stock and converted stock payable in Europe - - - 679,673 64

Amounting, together, as will appear by the annexed list of warrants, marked C, to - - - - \$11,110,117 42

Which disbursements were made out of the following funds, viz :

I. From the balance of the appropriation of eight millions of dollars for the year 1812, remaining unexpended at the end of that year, which balance amounted, as stated in the last annual report, to - - - - \$3,550,369 11

II. From the funds constituting the annual appropriation of eight millions of dollars for the year 1813, viz :

From the fund arising from the interest on the debt transferred to the Commissioners of the Sinking Fund, as, per statement I \$1,932,107 92

From the fund arising from the sales of public lands, being the amount received into the Treasury from the 1st October, 1812, to the 30th September, 1813, per statement K - - 830,671 53

From the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of vessels - - 4,794,966 44

Amounting, together, to - - - 7,557,745 89

Which sum of - \$7,557,745 89

Being deducted from the annual appropriation of - - 8,000,000 00

Leaves an unexpended balance to be applied, in addition to the appropriation for that year, of - 442,254 11

*Foreign Gold Coins—Exportation of Specie.*

III. From repayments into the Treasury, on account of moneys heretofore advanced for the payment of dividends on the domestic funded debt, as will appear by the annexed statement E - - - -	2,002 43
That the above-mentioned disbursements, together with the balance above stated, which remained unexpended at the close of the year 1812, of - - - -	335,826 04
Together with a further sum arising from profit on remittances from America to Europe, purchased during the year 1813, and amounting, as appears by the annexed statement D, to - - - -	98,452 06
And with a further sum, being the difference between the principal of stock purchased during the year 1813, and the money paid for the same, amounting, as appears by the annexed statement L, to - - - -	1,902 34
Making, together - - - -	<u>\$11,546,297 87</u>

Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to the Treasury Department.

That, in the mean time, the manner in which the said sum has been applied is estimated as follows:

I. The repayments into the Treasury on account of the principal of moneys advanced for the payment of dividends on the domestic funded debt, have amounted, during the year 1813, as by the above-mentioned statement E, to - - - -	\$2,002 43
II. The sums actually applied, during the year 1813, to the principal and interest of the public debt, are estimated as follows:	
1. Paid in reimbursement of the principal of the public debt - - - -	\$7,177,550 24
2. Paid on account of interest and charges on the public debt - - - -	3,510,054 67
As will appear by the annexed estimate F - - - -	10,687,604 91

III. The balance which remained unexpended at the close of the year 1813, and applicable to payments falling due after that year, is estimated, per annexed estimate G, at - - - -	856,690 58
	<u>\$11,546,297 87</u>

That, in conformity with the resolution of the Commissioners of the Sinking Fund, of the 6th of July, 1812, a copy of which was annexed to the last annual report, purchases of Louisiana stock and six per cent. stock of 1812 were continued in the year 1813, and \$147,200 of the former, and \$267,000 of the latter, were purchased for \$412,497 66, the particulars of which purchases are exhibited in the annexed statement, marked L.

That agreeably to the terms of the contracts by which certain temporary loans had been obtained in the year 1812, under the law authorizing the loan for a sum not exceeding eleven millions of dollars, such instalments of those loans as fell due in the year 1813, were duly discharged at the times when they respectively became payable. These instalments amounted to \$1,350,000, and are shown in detail in the annexed statement, marked M.

That, during the year 1813, and in the months of January and February, 1814, Treasury notes amounting to \$4,022,700, became payable, and, together with the interest thereon, were paid on moneys advanced for their payment at the several days on which they fell due. The annexed statement, N, shows the times when, and the places at which, these notes were payable.

And that the annexed statements, marked H, exhibits the amount of stock transferred to the Commissioners of the Sinking Fund and to the Treasurer of the United States, in trust for said States, and standing on the books of the Treasury to their credit, on the 31st December, 1813.

All which is respectfully submitted.

W. JONES,

*Acting Sec'y Treasury.*

[The tabular statements are omitted.]

# FOREIGN GOLD COINS—EXPORTATION OF SPECIE.

[Communicated to the House, April 12, 1814.]

BALTIMORE, March 4, 1814.

SIR: From the numerous calls for specie lately made on the banks of this State, and to the Southward, and which there is reason to apprehend will be repeated, great inconvenience must soon result, unless some measures are adopted to avert the difficulty of meeting those demands. The banks of this city have been, and still are, laboring under considerable inconvenience; from the circumstance of foreign gold coins not being a legal tender. They received those coins to a large amount, under an act of Congress which was suffered to expire, and are now unable to use them, notwithstanding the pressing demands upon them. A law giving some rate of currency to specie of this description, seems indispensably necessary, and would contribute materially to their relief.

Since the State of Maryland has been wholly deprived of commerce, the banks in the city of Baltimore have been gradually getting in debt to the Eastern cities, and payments are now required in specie, to an amount that will greatly exhaust their treasure; in the event of peace, the further demand for exportation will, it is apprehended, materially increase their embarrassments. In the latter point of view, the subject is peculiarly interesting to the banks of New York, Philadelphia, and Baltimore, inasmuch as they have subscribed largely to the late loans to the United States. Nearly one-third of the banking capital

*Revised Statement of Public Debt.*

of Baltimore has been thus invested; and if, on the return of peace, specie should be permitted to be exported, the necessary consequence will be, that the increased demand upon the banks will compel them to throw this stock into the market at a very reduced value, much to their own injury, as well as to the injury of the nation. And it may not be entirely unworthy of consideration, how far the prospect of exporting specie, at the close of the war, may retard, or the prohibition to export may facilitate, such loans as the Government may hereafter wish to make.

Under these impressions, therefore, we take the liberty respectfully to suggest to you the propriety of recommending to Congress, during the present session, to provide by law for giving a rate of currency to foreign gold coins, and to prohibit the exportation of specie for twelve months after peace shall be proclaimed.

In the hope that, if these measures shall meet your approbation, you will submit them to the President, or give them such other course as may in your opinion best promote the objects we have in view, we have the honor to be, sir, with very high respect and consideration, your very obedient servants,

W. COOKE,

*President of the Bank of Maryland.*

WM. WILSON,

*President of the Bank of Baltimore.*

HENRY PAYSON,

*President of the Union Bank of Maryland.*

JAMES MOSHER,

*President Mechanics' Bank of Baltimore.*

HEZ. WATERS,

*President of Marine Bank of Baltimore.*

JOSEPH H. NICHOLSON,

*Pres't Commercial and Farmers' Bank.*

PHIL. MOORE,

*President of Franklin Bank of Baltimore.*

WM. GRAHAME,

*President Farmers' and Merchants' Bank.*

JOHN DONNELL,

*President of the City Bank of Baltimore.*

Hon. GEO. W. CAMPBELL,

*Secretary of the Treasury.*

## REVISED STATEMENT OF PUBLIC DEBT.

[Communicated to the House, April 14, 1814.]

TREASURY DEPARTMENT, April 12, 1814.

SIR: I have the honor to transmit, herewith, a revised statement of the debt of the United States, accompanied by an explanatory letter on the sub-

ject, from the Register of the Treasury, by which it appears that, in the statement of the public debt on the 1st January, 1813, annexed to the printed account of the receipts and expenditures for the year 1812, the amount of stock constituted under the act authorizing a loan for the service of that year, was, by mistake, stated at eleven millions of dollars, instead of eight millions thirty-four thousand seven hundred dollars, the real amount of six per cent. stock issued by virtue of the act before recited.

I have the honor to be, very respectfully, sir, your obedient servant,

G. W. CAMPBELL.

Honorable SPEAKER

*Of the House of Representatives.*

TREASURY DEPARTMENT,

*Register's Office, April 7, 1814.*

SIR: I have the honor to transmit a revised statement of the "debt of the United States on the 1st January, 1813," as a substitute for the statement thereof, forming a part of the appendix to the printed accounts of the receipts and expenditures for the year 1812, presented a few days since, and transmitted to the House of Representatives of the United States.

The item in which the variation appears, is the extension of the sum of eleven millions of dollars, as constituted stock under the act for borrowing to that amount in the year 1812, and which had been calculated to the full amount; whereas the whole amount of the moneys borrowed under the authority of that act was only - \$10,184,700

But as \$2,150,000 therefore had been borrowed of certain banks, on contract, reimbursable in the years 1813 and 1814, this amount forms a deduction of - - - - \$2,150,000

Leaving the true amount of six per cent. stock of the year 1812, of - \$8,034,700

A sufficient number of copies of this revised statement has been struck off, not only for the present occasion, but also to be bound up with the appendix to be rendered with a similar statement for the ensuing year, for the purpose of maintaining the correctness of those annual exhibitions of the public debt.

I have the honor to be, sir, your most obedient servant,

JOSEPH NOURSE, *Register.*

Hon. G. W. CAMPBELL,

*Secretary of the Treasury.*

*Revised Statement of the Debt of the United States, on the 1st of January, 1813.*

Domestic Debt, exclusive of the sums passed to the credit of the Sinking Fund:			
Six per cent. stock	-	-	\$17,506,485 90
Three per cent. stock	-	-	16,157,972 59
Deferred stock	-	-	9,576,634 68
Louisiana six per cent. stock	-	-	11,070,700 00
Six per cent. stock, loan of 1796	-	-	80,000 00
Exchanged six per stock of 1812	-	-	2,745,120 58
			<hr/> 57,136,913 75
Six per cent. stock, constituted by an act passed the 14th of March, 1812, entitled "An act authorizing a loan of money not exceeding eleven millions of dollars," and for which scrip certificates were issued	-	-	*\$8,034,700 00
Deduct, purchased by the Commissioners of the Sinking Fund	-	-	57,000 00
			<hr/> 7,977,700 00
Nominal amount of debt on the 1st of January, 1813	-	-	\$65,114,613 75
Deduct reimbursement of the six per cent. and deferred stocks to the 31st December, 1812	-	-	\$19,909,972 19
From this, deduct reimbursement paid on stock subsequently transferred to the Sinking Fund, to the 1st January, 1810	-	-	\$28,748 02
And the difference between the nominal amount of six per cent. and deferred stocks exchanged, and the amount of exchanged stock issued in lieu thereof, being reimbursement previously paid on said stocks	-	-	5,664,227 48
			<hr/> 5,692,975 50
			<hr/> 14,216,996 69
Unredeemed amount on the 1st January, 1813	-	-	(a) 50,897,617 06
			<hr/> 65,114,613 75
Nominal amount of the debt as above stated			
Sinking Fund. The following sums are in the Treasury books, passed to the credit of the Commissioners of the Sinking Fund, to the 31st December, 1812.			
Foreign Debt, viz:			
Five per cent. stock	-	-	\$8,200,000 00.
Four and one half per cent. stock	-	-	820,000 00
Four per cent. stock	-	-	2,180,000 00
			<hr/> \$12,200,000 00
Domestic Debt, viz:			
Six per cent. stock	-	-	1,946,026 92
Three per cent. stock	-	-	698,555 41
Deferred six per cent. stock	-	-	1,005,179 83
Eight per cent. stock	-	-	6,482,500 00
Exchanged six per cent. stock	-	-	6,294,051 12
Converted six per cent. stock	-	-	1,859,850 70
Four and a half per cent. stock	-	-	176,000 00
Five and a half per cent. stock	-	-	1,848,900 00
Navy six per cent. stock	-	-	711,700 00
Louisiana six per cent. stock	-	-	179,300 00
Six per cent. stock of 1812	-	-	57,000 00
			<hr/> 21,259,063 98
			<hr/> 33,459,063 98
			(b) 98,573,677 73
(a) Unredeemed amount, 1st January, 1812	-	-	45,120,150 43
Add six per cent. stock of 1812	-	-	8,034,700 00
From which, deduct amount purchased by Sinking Fund	-	-	57,000 00
			<hr/> 7,977,700 00
Add three per cent. stock issued since	-	-	82 55
			<hr/> 7,977,782 55
			<hr/> 53,097,932 98
Deduct reimbursement of six per cent. and deferred stocks	-	-	1,446,047 31
Ditto of converted stock	-	-	565,318 41
Louisiana stock purchased	-	-	179,300 00
Deferred do	-	-	9,650 20
			<hr/> 2,200,315 92
Unredeemed amount January 1, 1813,	-	-	50,897,617 06

*Patent Right of Oliver Evans.*

(b) Total nominal amount of debt, including Sinking Fund, 1st of January, 1812,	-	-	\$93,120,734	16
Add six per cent. of 1812	-	-	8,034,700	00
Add three per cent. stock issued since	-	-	82	55
			8,034,782	55
			101,155,516	71
Deduct difference between six per cent. and deferred stocks exchanged and stock issued in lieu			2,581,838	98
As above	-	-	98,573,677	73
* The total amount of moneys received into the Treasury, viz :				
In the year 1812	-	-	\$10,002,400	00
In the year 1813	-	-	182,300	00
			10,184,700	00
From which deduct the amount of temporary loans reimbursed in 1813 and 1814	-	-	2,150,000	00
Amount of six per cent. stock of the year 1812	-	-	8,034,700	00

## PATENT RIGHT OF OLIVER EVANS.

[Communicated to the House, January 6, 1814.]

Mr. INGERSOLL, from the committee to whom was referred the memorial of sundry inhabitants of Maryland, on the subject of the patent granted to Oliver Evans, for his improvements in machinery employed in the manufacture of flour, made the following report :

That the memorialists complain that, by virtue of the act passed on the 21st January, 1808, entitled "An act for the relief of Oliver Evans," the said Oliver Evans claims the benefit of certain improvements in the machinery employed in the manufacture of flour, of which he is not the original inventor; that he exacts large and unreasonable sums for the use of those improvements; and that those are compelled to pay, who have established their improvements before the passing of the said act.

Your committee conceive it not only repugnant to the principles of a Government organized like ours, to permit a question of a character such as the first objection presents, to be litigated before the Legislature; but it is impossible that a fair decision can be made, when it is indispensable, in order to render impartial justice, that the parties should be permitted to go into evidence respecting the facts in controversy. A court of justice is the proper tribunal where such questions ought to be tried, and your committee are informed that this very question has already been settled in that way, by the circuit court of the United States for the Maryland district, favorable to the pretensions of the said Evans.

The second subject of complaint seems to your committee equally an improper subject for the interference of the Legislature. The patentee, by law, has an exclusive privilege to use his invention as he pleases. No person has a right to complain if the proprietor of an invention demands a sum deemed exorbitant, more than if such a demand had been made for any other species of property; it must rest with the purchaser whether his interest will permit him to yield to it.

The third ground of complaint is equally un-

tenable in the opinion of your committee. The Legislature had the power (and it seems in this case they have exercised it) to subject those who should use the improvements mentioned, in future, to the claim of the said Oliver Evans. The patent originally granted to him had previously been declared void by a judicial decision. The case, therefore, stood as if no exclusive right had ever been granted, and it is certainly not necessary to prove that a person who uses a new improvement before a patent is granted, is subject to the restrictions which follow the grant. Your committee, therefore, submit the following resolution :

*Resolved*, That the prayer of the memorial ought not to be granted.

*To the Senate and House of  
Representatives of the United States :*

Your memorialists humbly beg leave to represent, that your honorable body, on the 21st day of January, 1808, passed an act authorizing the Secretary of State, on application, in writing, by Oliver Evans, to cause letters patent to be made out in the manner and form prescribed by the act entitled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose;" thereby granting to the said Oliver Evans, his heirs, executors, administrators, and assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to be used, his invention, discovery, and improvements in the art of manufacturing flour and meal, and in the several machines which he has discovered, invented, improved, and applied to that purpose. That letters patent did accordingly issue, which are now in full operation; and that, by means of them, the patentee is exercising a most grievous oppression over the citizens of the United States, and more especially over those who are immediately engaged in the manufacture of flour.

Your memorialists, in any ordinary case, would be the last to remonstrate against benefits which the Legislature of their country might think proper to confer upon any individual; but believing, as they do, that your honorable body, when you consented

*Patent Right of Oliver Evans.*

to pass the act of January, 1808, in favor of Mr. Evans, were deceived by artful representations of merit; and knowing, also, that Mr. Evans has used his patent for purposes in which it could never have been intended to give him aid, your memorialists feel confidently assured that Congress will not hesitate to reconsider the ground of their former grant, and to do impartial justice between Mr. Evans and the rest of his fellow-citizens.

Your memorialists have understood, and they have no doubt of the fact, that, when Congress undertook to renew Mr. Evans's monopoly, they were industriously made to believe that he was the inventor of all the machines for which he solicited and obtained his patent. In this your honorable body were grossly deceived. Many of your memorialists have just witnessed the progress of several trials that took place at the last term of the circuit court of the United States at Baltimore, in actions instituted by Mr. Evans for infringements on his patent rights. Although the result of these trials were such as must give alarm to every man who has dared to think of opposing this exorbitant monopolist, yet did they prove most incontrovertibly, by the investigations to which they led, that Mr. Evans was not the original inventor of any one of his pretended machines. Your memorialists entreat the patience of your honorable body, while they briefly detail the testimony relating to this question, such as it appeared before the circuit court, and such as it can again be exhibited, whenever your honorable body may think proper to require it.

The machines which form the subject of Mr. Evans's patent are the conveyer, the elevator, the hopperboy, and the drill. For greater perspicuity, we will state the testimony, as applied to each machine, in successive order.

1st. The conveyer. It was proved that Jonathan Ellicott, of Baltimore county, was the first inventor of this machine. He had erected it in his mill some time before the year 1786, and applied it to all its present uses. He showed it to Oliver Evans, who was highly pleased with its operation. He said it was all that was necessary to complete his machinery; that he had long desired to have such a machine, but could not devise one; and, finally, in consideration that Jonathan Ellicott would permit him to attach it to his elevator and hopperboy, Oliver Evans gave him a perpetual license to use these last.

2. The elevator. This machine has been invented nearly a century and a half. There are books, a hundred years old, that exhibit it, (applied to hydraulic purposes,) the same in principle, form, dimensions, and materials, with the elevator now claimed by Oliver Evans as his original invention.

3d. The hopperboy. A machine upon the same principle with Oliver Evans's alleged hopperboy, worked by the same power, acting in the same manner upon the meal, and producing the same effect, although not as beneficially, was invented by — Marshall, of Delaware, and set to work in his mill, before the time of Oliver Evans's sup-

posed discovery. Mr. Evans lived in the neighborhood of this invention.

4th. The drill. The invention of this machine did not come in question before the circuit court; but it is susceptible of undeniable proof, that Jonathan Ellicott, before referred to, was the inventor of it, as well as of the conveyer.

Thus it appears that Mr. Evans's merit, as an inventor, in no respect corresponds with the artful and imposing representations by which your honorable body were induced to grant him your protection for a second term of fourteen years. So far from having invented all these machines, he was not the original inventor of any one of them. Your memorialists, therefore, might here rest their petition; but they think it proper to notice the other grounds of Mr. Evans's pretensions. These are, first, that he has invented useful improvements in the structure of the several machines secured by his patent; and, secondly, that he was the first who applied to their new use in mills those machines.

The conveyer and hopperboy are the only machines in which Mr. Evans will now attempt to show that he has made any improvement; in the elevator and drill he has not made even an alteration. First, then, of the conveyer: The transverse flights form the alteration which he claims to have made in this machine. Even if Mr. Evans was the inventor of this alteration, its utility in the manufacture of flour is extremely questionable. Several most intelligent millers, who were examined upon this subject in the trials at Baltimore, were so much at a loss to discover the beneficial effect of this alteration, that they preferred the spiral conveyer. The great utility of this alteration is rendered still more questionable by the fact, that a large portion of the millers, even those who have paid Oliver Evans for the license of his patented machines, do not make use of the transverse flights. But your memorialists are convinced that Mr. Evans was not the author of this alteration. They will be able to show your honorable body that this improvement, like most of the improvements which Mr. Evans claims, was discovered by other persons, from whom he adopted it.

Secondly. Of the hopperboy. Mr. Evans, as has been before stated, was not the original inventor of this machine. Your memorialists admit that he was the first who added the ropes leading the horizontal arms around, and that this addition facilitates the operation of the machine. But, surely, it will not be contended that upon this alteration Congress bottomed their grant. This improvement may have been sufficient to entitle Mr. Evans, under the general law, to a patent for the improvement, but for nothing else. It could not have entitled him to a patent for other machines, which he neither invented nor improved; much less can it entitle him to an extension of his exclusive privilege beyond the usual term.

Your memorialists come now to the last ground of Mr. Evans's pretensions, "that he has the merit of having first applied these machines to



*Commissions granted in the recess of the Senate.*

their present use in mills." This ground was much narrowed by the trials before referred to in the circuit court at Baltimore. It was there shown that the conveyer, the hopperboy, and the drill, were applied by their original inventors to all the purposes for which they are now used. The elevator is the only machine about which there can be the least doubt; and, to the minds of your memorialists, there are conclusive reasons for believing that Oliver Evans was not the person who first discovered the application of this machine to its present office—the raising wheat and flour. Oliver Evans first exhibited his elevator, and first informed the world that he had invented one, in the year 1787. Twelve or eighteen months before this time James Strode, of the State of Delaware, had erected a perfect elevator in his mill.

Mr. Strode, in the circuit court at Baltimore, related the history of his invention. Standing in his mill, contemplating the machinery that he then had in it, he observed that, as the leather strap turning the fan performed its revolutions, the buckle, by which it was fastened, would catch up a few grains of wheat below, carry them up with it, and empty them out at the top. The thought immediately occurred to him, that a machine revolving like this strap, with buckets upon it, would completely perform the office of raising his wheat and flour. He constructed it accordingly, and found it perfect. This machine is what is now called "Evans's elevator." Your memorialists admit, that a brother of Oliver Evans declared in the circuit court at Baltimore, that Oliver Evans had several years before this period invented precisely the same machine; and that, although he did not show it to the world by using it in his mill, yet he had it, and the model of it was locked up in a chest, and continued so locked up for several years. When this testimony comes before your honorable body it will, no doubt, receive whatever credit, under all its circumstances, it may be entitled to. But your memorialists hope they will be pardoned for believing that there was some mistake in the matter.

Your memorialists have thus candidly detailed the testimony relating to Mr. Evans's patent. They feel assured that your honorable body will discover in it abundant cause to take this subject again into consideration. Your memorialists, however, will take the liberty of suggesting other motives of greater weight.

When Congress consented to renew Mr. Evans's exclusive privileges, in 1808, they could not have intended to give their law an *ex post facto* operation; yet such has been the construction which our circuit courts have felt themselves constrained to give to the act of January, 1808. In the circuit court of Philadelphia it has been decided, by Judges Washington and Peters, that even those who erected their machinery in the interval between the expiration of Mr. Evans's first patent in 1804, and its renewal in 1808, cannot continue to use them without a license under the second patent. The hardship of this construction is extreme. The United States abound with mills, in

which the machinery was erected during that interval when no law existed to prohibit it; when no man was aware of any right still remaining in Mr. Evans; and when the public thought they were enjoying a property for which they had already paid the price. But, since this construction, persons, who erected their machinery under those circumstances, must either pull it down, or subject themselves to actions for treble damages; or they must consent to pay whatever price the patentee may choose to demand for a license. As it regards his charges, your memorialists humbly state, that the act of renewal has imposed no limitation on Mr. Evans, an omission of which he is availing himself most oppressively. During his first patent, while he was looking forward to his intended application for a renewal, Mr. Evans observed a very becoming moderation in his demands; thirty-three dollars was originally the price of his license to use his machinery in application to one water-wheel; but, as soon as the act of 1808 had put the community in his power, he began to advance, from exaction to exaction, until he now demands about twenty times the amount of his former charge, and threatens that he will rise still higher. From one of your memorialists Mr. Evans has demanded thirty-six hundred dollars for his license. This fact, while it shows how oppressively this patent bears upon individuals, will enable your honorable body to form some estimate of the enormous profits which the patentee will derive from a general use of his machinery throughout the United States.

Your memorialists will not consent to believe that Congress intended to let Mr. Evans loose upon the community with so grievous, so despotic a power; they, therefore, pray that your honorable body will again take this subject into consideration; that you may examine the grounds upon which Mr. Evans's patent issued, and do whatever in your wisdom you may think fit.

And your memorialists will ever pray, &c.

WILLIAM COLE, and others.

BALTIMORE, January 1, 1813.

#### COMMISSIONS GRANTED IN THE RECESS OF THE SENATE.

[Communicated to the Senate, March 29, 1814.]

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 26th instant.

JAMES MADISON.

MARCH 28, 1814.

DEPARTMENT OF STATE,  
March 28, 1814.

SIR: In compliance with the resolution of the Senate, of the 26th instant, I have the honor to transmit, herewith, copies of the commissions heretofore granted by the President of the United

*Commissions granted in the recess of the Senate.*

States, in the recess of the Senate, to William Paca, as judge of the Maryland district; to William Nelson, as attorney of the Virginia district; to John Rutledge, as Chief Justice of the United States, and to Albert Gallatin, John Quincy Adams, and James A. Bayard, as Envoys Extraordinary and Ministers Plenipotentiary, to negotiate a treaty of peace with Great Britain.

I have the honor to be, &c.

JAMES MONROE.

The President of the U. S.

GEORGE WASHINGTON, *President of the United States of America, to all who shall see these presents, greeting:*

Whereas, the office of judge of the district court in and for Maryland district is at present vacant, know ye, that, reposing special trust and confidence in the wisdom, uprightness, and learning of Wm. Paca, of Maryland, I do appoint him judge of the said district court, and do authorize and empower him to execute and fulfil the duties of that office, according to the Constitution and laws of the said United States, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said William Paca, during his good behaviour, and until the end of the next session of the Senate of the U. States, and no longer.

In testimony whereof, I have caused these letters to be made patent and the seal of the [L. S.] United States to be hereunto affixed.

Given under my hand the 22d day of December, in the year of our Lord 1789.

GEO. WASHINGTON.

GEORGE WASHINGTON, *President of the United States of America, to all who shall see these presents, greeting:*

Whereas, the office of Attorney of the United States in and for Virginia district, is at present vacant, know ye, that, reposing special trust and confidence in the integrity, ability, and learning of Wm. Nelson, of Virginia, I do appoint him Attorney of the said United States in and for the said Virginia district, and do authorize and empower him to execute and fulfil the duties of that office according to law, and to have and to hold the same, together with all the powers, privileges, and emoluments thereto of right appertaining, unto him, the said William Nelson, during the pleasure of the President of the United States for the time being, and until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof, I have caused these letters to be made patent, and the seal of the [L. S.] United States to be hereunto affixed.

Given under my hand, at the city of New York, the 28th day of November, in the year of our Lord 1789.

GEO. WASHINGTON.

GEORGE WASHINGTON, *President of the United States of America, to all who shall see these presents, greeting:*

Whereas, the office of Chief Justice of the Su-

preme Court of the United States is at present vacant, know ye, that, reposing special trust and confidence in the wisdom, uprightness, and learning of John Rutledge, of South Carolina, I do appoint him Chief Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that office, according to the Constitution and laws of the said United States, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said John Rutledge, during his good behaviour, and until the end of the next session of the Senate of the United States, and no longer.

In testimony whereof, I have caused these letters to be made patent, and the seal of the [L. S.] United States to be hereunto affixed.

Given under my hand the first day of July, in the year of our Lord 1795, and of the independence of the United States of America the 19th.

GEO. WASHINGTON.

By the President:

EDMUND RANDOLPH.

JAMES MADISON, *President of the United States of America, to all whom these presents shall concern, greeting:*

Know ye, that, for the purpose of confirming between the United States and His Britannic Majesty perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction, and of reposing special trust and confidence in the integrity, prudence, and abilities of Albert Gallatin, Secretary of the Treasury of the United States, John Quincy Adams, Minister Plenipotentiary of the United States at the Court of His Majesty the Emperor of all the Russias, and James A. Bayard, a Senator of the United States, I have appointed them jointly and severally Envoys Extraordinary and Ministers Plenipotentiary of the United States, with full and all manner of power and authority, for and in the name of the United States, to meet at St. Petersburg, in Russia, and confer with a Minister or Ministers of His said Britannic Majesty, being furnished with the like power and authority, and with him or them to agree, treat, consult, and negotiate of and concerning the general commerce between the United States and Great Britain, and its dominions or dependencies, and of all matters and subjects connected therewith which may be interesting to the two nations, and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States for his ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of [L. S.] the United States to be hereunto affixed.

Given under my hand at the City of Washington, on the 17th day of April, A. D. 1813, and in the independence of the United States the 37th.

JAMES MADISON.

By the President:

JAMES MONROE, *Sec'y of State.*

*Ministers and Consuls appointed in the recess of the Senate.*

JAMES MADISON, *President of the United States of America, to all whom these presents shall concern, greeting :*

Know ye, that, for the purpose of confirming and improving the amicable and beneficial relations between the United States and His Imperial Majesty the Emperor of all the Russias, and reposing special trust and confidence in the integrity, prudence, and ability of John Quincy Adams, Minister Plenipotentiary at the Court of His said Imperial Majesty, of Albert Gallatin, Secretary of the Treasury of the United States, and of James A. Bayard, a Senator of the United States, I have appointed them jointly and severally Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the Court of His said Imperial Majesty, with full and all manner of power and authority, for and in the name of the United States, to meet and confer with a Minister or Ministers of His said Imperial Majesty, being furnished with the like power and authority, and with him or them to agree, treat, consult, and negotiate of and concerning the general commerce between the United States and Russia, and of all matters and subjects connected therewith which may be interesting to the two nations; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises; transmitting the same to the President of the United States for his ratification, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of [L. s.] the United States to be hereunto affixed.

Given under my hand at the City of Washington, on the 22d day of April, in the year of our Lord 1813, and of the independence of the United States the 37th.

JAMES MADISON.

By the President :

JAMES MONROE, *Sec'y of State.*

JAMES MADISON, *President of the United States of America, to all whom these presents shall concern, greeting :*

Whereas, His Imperial Majesty the Emperor of all the Russias, as the common friend of the United States and Great Britain, has offered his mediation, with a view to the restoration of peace and the establishment of perfect harmony between them; and the invitation having been accepted, on the part of the United States, in contemplation of a like acceptance on the part of Great Britain: Now, be it known, that, reposing especial trust and confidence in the integrity, prudence, and abilities of Albert Gallatin, Secretary of the Treasury of the United States, John Quincy Adams, their Minister Plenipotentiary at the Court of His Imperial Majesty, and James A. Bayard, Senator of the United States, I have appointed them jointly and severally Envoys Extraordinary and Ministers Plenipotentiary of the United States, to repair to St. Petersburg, in Russia, with authority to meet, under the said

mediation, a Minister or Ministers, having like authority from the Government of Great Britain; and with him or them to negotiate and conclude a settlement of the subsisting differences, and a lasting peace and friendship between the United States and that Power; transmitting the treaty or convention so to be concluded for the ratification of the President of the United States, by and with the advice and consent of the Senate of the United States.

In testimony whereof, I have caused the seal of [L. s.] the United States to be hereunto affixed.

Given under my hand at the City of Washington, the 17th day of April, A. D., 1813, and of the independence of the United States the 37th.

JAMES MADISON.

By the President :

JAMES MONROE, *Sec'y of State.*

### MINISTERS AND CONSULS APPOINTED IN THE RECESS OF THE SENATE.

[Communicated to the Senate, April 9, 1814.]

To the Senate of the United States :

I transmit to the Senate a report of the Secretary of State complying with their resolution of the 2d instant.

JAMES MADISON.

APRIL 9, 1814.

DEPARTMENT OF STATE,  
April 8, 1814.

SIR: In compliance with the resolution of the Senate, of the 2d instant, I have the honor to transmit lists of the Ministers and Consuls of the United States who have been appointed, since the adoption of the Constitution, by the respective Presidents of the United States, in the recess of the Senate; distinguishing the cases in which the respective appointments had not been before filled from those which had been previously filled; and specifying, by the dates of the letters of recall, when the latter became vacant, in the case of Ministers.

Although, strictly construed, the resolution did not appear to carry the research back to a period anterior to the commencement of the present Government, yet the Journals of the old Congress have been carefully examined, and notice taken of appointments made under the Confederation, of Ministers and Consuls to Governments and places, to which appointments were afterwards made under the present Government.

To these lists are added copies of the commissions granted to Albert Gallatin, John Quincy Adams, and James A. Bayard, to negotiate and sign a Treaty of Commerce with Great Britain, and a Treaty of Commerce with Russia.

With great respect, I have the honor to be, sir, your obedient servant,

JAMES MONROE.

The PRESIDENT of the U. S.

*Ministers and Consuls appointed in the recess of the Senate.*

*List of appointments of Ministers and their Secretaries, since the adoption of the Constitution, made by the several Presidents of the United States, in the recess of the Senate.*

Ministers Plenipotentiary.	When appointed.	To what Court accredited.	Original Office.	Office previously filled, and by whom.	Date of letters of recall of the immediate predecessors of Ministers, appointed in recess of the Senate.	Remarks.
John Paul Jones	June, 1792	Algiers.—To negotiate a treaty of peace with that Power.	Not before filled.			
David Humphreys	March 21, 1793	Algiers.—To negotiate a treaty of peace with that Power.	-	John Paul Jones.		
William Short	July 11, 1794	Spain	-	Wm. Carmichael	June 5, 1794	
Charles C. Pinckney	Septem. 9, 1796	France	-	Col. Monroe	September 9, 1796	
John Q. Adams	June 1, 1797	Sweden.—To negotiate a renewal of the treaty	-	-	-	
Rufus King	January 3, 1798	London.—To negotiate an additional article to the Treaty of 1794, in relation to the Northern boundary of the United States.	-	-	-	Mr. Franklin was appointed to negotiate a treaty with Sweden, September 28, 1782.
William R. Davie	June 1, 1799	France.—Jointly with Oliver Ellsworth and William Vans Murray	-	-	-	Mr. King was the Resident Minister of the United States at the time of this appointment.
Rufus King	Decem. 31, 1799	London.—To negotiate an explanatory article in relation to the sixth article of the Treaty of 1794.	To this office Patrick Henry was first appointed, with the advice of the Senate, and, he declining, Mr. Davie was appointed his successor in the recess.			
Thomas Sumter, Secretary of Legation	May 12, 1801	France	-	-	-	These were the first secretaries appointed to those places, since the adoption of the Constitution, but similar appointments had been made by the old Government.
John Graham, Secretary of Legation	August 31, 1801	Spain	-	-	-	
Chas. Pinckney, Minister	June 6, 1801	Spain	-	Col. Humphreys	June 6, 1801.	

*Ministers and Consuls appointed in the recess of the Senate.**List of appointments of Ministers and their Secretaries—Continued.*

Ministers Plenipoten- tiary.	When appointed.	To what Court accredited.	Original Office.	Office previously filled, and by whom.	Date of letters of re- call of the imme- diate predecessors of Ministers, ap- pointed in recess of the Senate.	Remarks.
Rufus King	June 10, 1802	London.—To negotiate additional article, or articles, in relation to the boundaries between the United States and certain parts of the territories of His Britannic Majesty, lying eastward, northward, and northward of the United States	-	-	-	-
James Monroe	April 18, 1803	London	-	Rufus King	November 3, 1802.	William Carmichael and William Short were appointed, by special mission, commissioners plenipotentiary to treat and negotiate with His Catholic Majesty, of and concerning the navigation of the Mississippi, and the general commerce between the United States and Spain, in the year 1792.
John Armstrong	June 30, 1804	France	-	R. R. Livingston	April 18, 1803.	
James Monroe	October 14, 1804	Spain.—To treat of and concerning the boundaries of Louisianians, the cession of adjoining territories, &c.	-	-	-	
William Pinkney and James Monroe	May 12, 1806	London.—On a mission extraordinary.	-	-	-	
William Pinkney	May 12, 1806	London	-	Colonel Monroe	May 12, 1806.	Francis Dana was appointed Minister Plenipotentiary to St. Petersburg, in the year 1780.
William H. Crawford	April 9, 1813	France	-	Joel Barlow, dec.	-	
Albert Gallatin,	April 17, 1813	St. Petersburg.—To treat with Britain concerning peace and commerce.	-	-	-	
John Q. Adams, and James A. Bayard,		St. Petersburg.—To negotiate of and concerning the general commerce between the United States and Russia.	-	-	-	
John Q. Adams, Albert Gallatin, and James A. Bayard,	April 22, 1813	St. Petersburg.	-	-	-	Francis Dana was appointed Minister Plenipotentiary to St. Petersburg, in the year 1780.
Levitt Harris, Secretary of Legation	April 22, 1813	St. Petersburg.	-	-	-	
Wm. Short, Minister	October 1, 1808	St. Petersburg	-	-	-	-

*Ministers and Consuls appointed in the recess of the Senate.*

*List of appointments of Consuls, since the adoption of the Constitution, made by the several Presidents of the United States, in the recess of the Senate.*

Consuls.	When appointed.	For what port appointed.	Original office.	Office previously filled, and by whom.	Remarks.
Thomas Barclay	Mar. 31, 1791,	Morocco	-	-	He had been previously appointed by Messrs. Franklin, Jefferson, and Dean, to treat, and did conclude a treaty with Morocco.
John Paul Jones	June, 1792,	Algiers	Original.	-	Hans Heissel had been appointed for the coast of Barbary generally, by and with the advice and consent of the Senate, Dec. 10, 1794.
Joseph Donaldson, Jun.	Mar. 28, 1795,	Tunis		-	
Joseph Donaldson, Jun.	Mar. 28, 1795,	Tripoli		-	
Hans Heissel	Mar. 28, 1795,	Tangier		-	
Pierre E. Skjoldebrand, Jun.	Mar. 28, 1795,	Algiers	-	J. Paul Jones.	This office had been filled as early as 1790 by Mr. S. Snow, by and with the advice and consent of the Senate.
James Reid, vice consul	Mar. 29, 1799,	Canton	-	S. Snow	
Evan Jones	May 11, 1799,	New Orleans	-	-	This office had been previously filled by Procopio Jacinta Pollock.
John Morton	June 29, 1799,	Havana	-	Daniel Hawley.	Nathaniel Cutting.
Tobias Lear, consul general	Mar. 31, 1801,	Island St. Dom.	-	Dr. Stevens.	
Wm. Lee, commercial agent	June 3, 1801,	Bordeaux	-	Joseph Fenwick.	Nathaniel Cutting.
Edward Jones, commercial agent	June 2, 1801,	Guadaloupe	Original.	-	
Sieur de la Motte, vice commercial agent	June 1, 1801,	Havre de Grace	-	-	Nathaniel Cutting.
Thomas Aborn, vice commercial agent	June 2, 1801,	Cayenne	Original.	-	
Peter Dobell, commercial agent	June 1, 1801,	Havre de Grace	-	Nathaniel Cutting.	By himself and Wm. Palfrey.
Fulwar Skipwith, commercial agent	June 1, 1801,	Paris	-	-	
John J. Murray	June 3, 1801,	Glasgow	Original.	-	James Blake.
James Blake, commercial agent	June 19, 1801,	Antwerp	Original.	-	
John E. Caldwell, commercial agent	June 25, 1801,	City St. Dom.	-	-	Samuel Williams.
Joseph Puls	July 1, 1801,	Malta	Original.	-	
George W. Erving	July 3, 1801,	London	-	Jacob Lewis.	He had held this office before, as early as June, 1790, and was re-appointed in consequence of the reconciliation with France.
William Buchanan, commercial agent	July 9, 1801,	Isle of France	-	-	
Etienne Cathalan, commercial agent	July 8, 1801,	Marseilles	-	-	Evan Jones.
Daniel Clark	July 16, 1801,	New Orleans	-	-	Burwell Carnes.
Theodore Peters, vice commercial agent	July 20, 1801,	Bordeaux	-	-	
Thomas T. Ganitt, commercial agent	July 20, 1801,	Nantz	-	-	Benjamin Joy.
Francis L. Taney, commercial agent	July 20, 1801,	Ostend	Original.	-	
Jacob Lewis	July 29, 1801,	Calcutta	-	-	Mr. Yznardi held this office originally, but had been removed. He was reinstated by this appointment.
Joseph Yznardi	Oct. 14, 1801,	Cadiz	-	-	



*Ministers and Consuls appointed in the recess of the Senate.**List of appointments of Consuls, &c.—continued.*

Consuls.	When appointed.	For what port appointed.	Original office.	Office previously filled, and by whom.	Remarks.
Wm. Patterson, commercial agent	Oct. 16, 1801,	L'Orient -	-	Thomas T. Gantt.	
Charles D. Cox, commercial agent	Oct. 16, 1801,	Dunkirk -	-	Francis Coffyn.	
Barth. Dandridge, commercial agent	Nov. 9, 1801,	Port Republican	-	Robert Richie.	
Thomas Hewes	Nov. 24, 1801,	Batavia -	-		
David Easton, commercial agent	May 15, 1802,	Martinico -	-	Mr. Skipwith.	
James Anderson, vice commercial agent	June 16, 1802,	Cette -	Original.	James Blake.	
Isaac Cox Barnett, commercial agent	June 18, 1802,	Antwerp -	-	William Willis.	
John Leonard, vice consul	Mar. 7, 1803,	Barcelona -	-	Sieur de la Motte.	
Isaac Cox Barnett, commercial agent	Apr. 4, 1803,	Havre de Grace -	-	John Miller Russell.	
Levitt Harris	Apr. 4, 1803,	St. Petersburg -	-	Joseph Donaldson.	
James L. Cathcart	Apr. 11, 1803,	Tunis -	-	Fred. H. Waloston.	
John M. Goetschius	May 20, 1803,	Genoa -	-	Richard O'Brien.	
Tobias Leat, consul general	June 10, 1803,	Algiers -	-		
Edward Carrington	Mar. 11, 1805,	Canton -	-		
Henry Hill	Mar. 11, 1805,	Island of Cuba -	-	James Reid.	
John Broadbent	Mar. 20, 1805,	Messina -	Original.		There had been previously a consul at Havana and St. Jago, but none for the island generally.
Abraham Gibbs	Mar. 20, 1805,	Palermo -	Original.		
Frederick Degen	Mar. 20, 1805,	Neples -	-	Jno. S. M. Matthew.	
John J. Armstrong	May 11, 1805,	Island Teneriffe -	-	Geo. W. McElroy.	
John S. Cogdell	May 7, 1805,	Rome -	-	Baptiste Sartori.	
Maurice Rogers	June 9, 1805,	St. Jago de Cuba -	-	Josiah Blakely.	
John B. Dabney	June 20, 1805,	Azores of West Islands.	-		There had been previously a consul at Fayal.
Richard S. Hackley	Sept. 16, 1806,	St. Andero -	Original.		
Kyland Randolph	June 11, 1807,	Venice -	-	William Willis.	
John McClellan	Sept. 9, 1807,	Batavia -	-	Thomas Hewes.	
Henry Hill	May 4, 1808,	St. Salvador -	Original.		
William Israel	Mar. 21, 1809,	St. Bartholomew -	-	Job Wall.	
Alexander Hammett	Apr. 7, 1809,	Naples -	-	Frederick Degen.	
Richard O'Brien	May 10, 1809,	Island Sardinia -	Original.	Joseph Wilson.	
Thomas English	July 7, 1809,	Dublin -	-		
Peter Isaacson	Nov. 1, 1809,	Christiansand -	Original.		
John B. Davy	May 2, 1810,	Rangoon, Burman empire.	Original.		
Lewis Godefroy	Apr. 26, 1811,	Buenos Ayres -	Original.		
Joel Roberts Poinsett, consul general	Apr. 30, 1811,	B. Ayres, Chili, and Peru.	Original.		
Mordecai M. Noah	June 4, 1811,	Riga -	Original.		
Nathaniel W. Strong	Mar. 16, 1813,	St. Bartholomew -	-	William Israel.	
Mordecai M. Noah	Mar. 20, 1813,	Tunis -	-	William Eaton.	

*Humiliation and Prayer.*

## HUMILIATION AND PRAYER.

It being a duty, peculiarly incumbent in a time of public calamity and war, humbly and devoutly to acknowledge our dependence upon Almighty God, and to implore His aid and protection; therefore,

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee of both Houses wait on the President of the United States, and request that he recommend a day of Public Humiliation and Prayer, to be observed by the people of the United States with religious solemnity, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, His blessing on their arms, and the speedy restoration of peace.*

H. CLAY,

*Speaker of House of Representatives.*

E. GERRY,

*Vice President, and President of Senate.*

WASHINGTON, July 16, 1813.

## A PROCLAMATION.

Whereas the Congress of the United States, by a joint resolution of the two Houses, have signified a request that a day may be recommended, to be observed by the people of the United States with religious solemnity, as a day of *Public Humiliation and Prayer*; and whereas, in times of public calamity, such as that of the war, brought on the United States by the injustice of a foreign Government, it is especially becoming that the hearts of all should be touched with the same, and the eyes of all be turned to that Almighty Power, in whose hands are the welfare and the destiny of nations: I do, therefore, issue this my Proclamation, recommending to all, who shall be piously disposed to unite their hearts and voices in addressing, at one and the same time, their vows and adorations to the great Parent and Sovereign of the Universe, that they assemble, on the second Thursday of September next, in their respective religious congregations, to render Him thanks for the many blessings He has bestowed on the people of the United States; that He has blessed them with a land capable of yielding all the necessities and requisites of human life, with ample means for convenient exchanges with foreign countries; that He has blessed the labors employed in its cultivation and improvement; that He is now blessing the exertions to extend and establish the arts and manufactures, which will secure within ourselves supplies too important to remain dependent on the precarious policy, on the peaceable dispositions of other nations; and, particularly, that He has blessed the United States with a political Constitution, founded on the will and authority of the whole people, and guaranteeing to each individual the security, not only of his person and his property, but of those sacred rights of conscience, so essential to his

present happiness, and so dear to his future hopes. That with those expressions of devout thankfulness, be joined supplications to the same Almighty Power, that He would look down with compassion on our infirmities; that He would pardon our manifold transgressions, and awaken and strengthen us in all the wholesome purposes of repentance and amendment; that, in this season of trial and calamity, He would preside in a particular manner over our public councils, and inspire all citizens with a love of their country, and with those fraternal affections and that mutual confidence, which have so happy a tendency to make us safe at home and respected abroad; and that, as He was graciously pleased, heretofore, to smile on our struggles against the attempts of the Government of the empire, of which these States then made a part, to wrest from them the rights and privileges to which they were entitled in common with every other part, and to raise them to the station of an independent and sovereign people, so He would now be pleased, in like manner, to bestow His blessing on our arms in resisting the hostile and persevering efforts of the same Power to degrade us on the ocean, the common inheritance of all, from rights and immunities, belonging and essential to the American people, as a co-equal member of the great community of independent nations; and that, inspiring our enemies with moderation, with justice, and with that spirit of reasonable accommodation, which our country has continued to manifest, we may be enabled to beat our swords into ploughshares, and to enjoy in peace, every man, the fruits of his honest industry, and the rewards of his lawful enterprise.

If the public homage of a people can ever be worthy the favorable regard of the Holy and Omniscient Being to whom it is addressed, it must be that in which those who join in it are guided only by their free choice, by the impulse of their hearts and the dictates of their consciences; and such a spectacle must be interesting to all Christian nations; as proving that religion, that gift of Heaven for the good of man, freed from all coercive edicts, from that unhallowed connexion with the powers of this world, which corrupts religion into an instrument or an usurper of the policy of the State, and, making no appeal but to reason, to the heart, and to the conscience, can spread its benign influence everywhere, and can attract to the Divine Altar those free-will offerings of humble supplication, thanksgiving, and praise, which alone can be acceptable to Him whom no hypocrisy can deceive, and no forced sacrifices propitiate.

Upon these principles, and with these views, the good people of the United States are invited, in conformity with the resolution aforesaid, to dedicate the day above named to the religious solemnities therein recommended.

Given at Washington, this twenty-third day [L. s.] of July, in the year of our Lord one thousand eight hundred and thirteen.

JAMES MADISON.

# PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST AND SECOND SESSIONS OF THE THIRTEENTH CONGRESS,  
BEGUN AND HELD AT THE CITY OF WASHINGTON,  
MAY 24 AND DECEMBER 6, 1813.

An Act concerning certain streets in Georgetown.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it shall and may be lawful for the proprietors of the ground to open a new street in the town of Georgetown, in the District of Columbia, beginning at the termination of three hundred and seventy-eight feet and six inches from the intersection of Washington and Bridge streets, on the east side of Washington street, and south of Bridge street, and thence running parallel with Bridge street to Rock creek, of the width of sixty feet, to be called Needwood street.

SEC. 2. *And be it further enacted,* That Greene street in the said town, be opened and extended to Causeway street, in lines parallel with Washington street; and that Montgomery street, in the said town, be opened and extended from Bridge street to Needwood street, in lines parallel with Washington street.

SEC. 3. *And be it further enacted,* That the streets called and known by the names of Lovely and Wapping, and all that part of Montgomery street, south from Bridge street to Causeway street, not embraced in lines parallel with Washington street, lying between Washington street and Rock creek, in the said town, upon the opening and establishment of the said streets, between Washington street and Rock creek, be and the same are hereby vacated; and the title to the ground, over which the same now runs, shall be vested in fee simple in the proprietors of the ground over which the streets to be opened and extended, by virtue of this act, shall run, in proportion to the quantity owned by each proprietor.

H. CLAY,

*Speaker of the House of Representatives.*

E. GERRY,

*Vice President of the United States, and  
President of the Senate.*

Approved, June 14, 1813.

JAMES MADISON.

An Act for the government of persons in certain fisheries.

*Be it enacted, &c.,* That the master or skipper of any vessel of the burden of twenty tons or upwards, qualified according to law for carrying on the bank and other cod fisheries, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing voyage, make an agreement in writing, or print, with every fisherman who may be employed therein, (except only an apprentice or servant of himself or owner,) and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing season, and shall also express, that the fish or the proceeds of such fishing voyage or voyages, which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish which they may respectively have caught; which agreement shall be endorsed or countersigned by the owner of such fishing vessel, or his agent. And if any fisherman, having engaged himself for a voyage or for the fishing season, in any fishing vessel, and signed an agreement therefor as aforesaid, shall thereafter, and while such agreement remains in force to be performed, desert or absent himself from such vessel without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant service, and may, in like manner and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish, or proceeds of any fishing voyage, to which such deserter had or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall, during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just com-

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mands to the hindrance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

SEC. 2. *And be it further enacted*, That where an agreement or contract shall be so made and signed for a fishing voyage or for the fishing season, and any fish which may have been caught on board such vessel during the same, shall be delivered to the owner, or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall, for the term of six months after such sale, be liable and answerable for the skipper's and every other fisherman's share of such fish, and may be proceeded against in the same form, and to the same effect, as any other vessel is by law liable and may be proceeded against for the wages of seamen or mariners in the merchant service. And upon such process for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent to procure a just account of the sales and division of such fish according to such agreement or contract; otherwise the said vessel shall be answerable upon such process for what may be the highest value of the shares demanded. But, in all cases, the owner of such vessel or his agent, appearing to answer to such process, may offer thereupon his account of general supplies made for such fishing voyage and of other supplies therefor made to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands, respectively; and judgment shall be rendered upon such process for the respective balances which, upon such an inquiry, shall appear: *Provided, always*, That, when process shall be issued against any vessel liable as aforesaid, if the owner thereof, or his agent, will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law for his share or shares of fish, or the proceeds thereof, as aforesaid.

Approved, June 19, 1813.

An Act to amend the act in addition to the act, entitled "An act to raise an additional military force, and for other purposes."

*Be it enacted, &c.*, That five of the regiments which were authorized to be raised by an act in addition to the act, entitled "An act to raise an additional military force, and for other purposes," passed the twenty-ninth day of January, one thousand eight hundred and thirteen, may, at the

discretion of the President of the United States, be enlisted for and during the war, unless sooner discharged, and be limited as to service to the defence of the seaboard of the United States, or of such part thereof as the President may elect and determine.

SEC. 2. *And be it further enacted*, That each man recruited under the authority of this act, be allowed the same bounty in money and land as is allowed by law to men enlisted for five years or for the war, and that the officers, non-commissioned officers, musicians, and privates, shall receive the same pay, clothing, subsistence, and forage, be entitled to the same benefits, be subject to the same rules and regulations, and be placed in every respect on the same footing, as the other regular troops of the United States.

Approved, July 5, 1813.

An Act authorizing the President of the United States to cause to be built barges for the defence of the ports and harbors of the United States.

*Be it enacted, &c.*, That, for the protection of the ports and harbors of the United States, the President shall cause to be built, without delay, such number of barges as he may deem necessary, to be armed, equipped, and manned as he may direct, of a size not less than forty-five feet long, and capable of carrying heavy guns.

SEC. 2. *And be it further enacted*, That, for the purpose aforesaid, the sum of two hundred and fifty thousand dollars be and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, July 5, 1813.

An Act further extending the time for issuing and locating military land warrants.

*Be it enacted, &c.*, That the Secretary of War be authorized to issue military land warrants to such persons as have or shall, before the first day of March, one thousand eight hundred and sixteen, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued and not yet satisfied, shall and may be located in the name of the holders or proprietors thereof, prior to the first day of October, one thousand eight hundred and sixteen, on any unlocated parts of the fifty quarter townships, and the fractional quarter townships reserved by law for original holders of military land warrants. And patents shall be granted for the land located under this act, in the same manner as is directed by former acts for granting military lands.

Approved, July 5, 1813.

An Act to reward the officers and crew of the sloop of war *Hornet*; and Lieutenant Elliott and his officers and companions.

*Be it enacted, &c.*, That the President of the United States be and he is hereby authorized to have distributed, as prize money, to Captain James Lawrence, late of the sloop of war *Hornet*, his officers and crew, or their widows and children,

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the sum of twenty-five thousand dollars, for the capture and destruction of the British brig Peacock; and to Lieutenant Elliott, and his officers and companions, or their widows and children, the sum of twelve thousand dollars, for the capture and destruction of the British brig Detroit; and that the sum of thirty-seven thousand dollars be and the same is hereby appropriated to the purpose aforesaid, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, July 13, 1813.

An Act freeing from postage all letters and packets to and from the Superintendent General of Military Supplies.

*Be it enacted, &c.,* That all letters and packets to and from the Superintendent General of Military Supplies, which relate to his official duties, shall be free from postage.

Approved, July 23, 1813.

An Act to relinquish the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels.

*Be it enacted, &c.,* That all right and claim which may have accrued to the United States, under an act, entitled "An act to prohibit the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," and an act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," and an act supplementary to the last mentioned act, to goods, wares, and merchandise, being the property of British subjects, and shipped from the ports of the United Kingdom of Great Britain and Ireland, since the declaration of war by the United States against that Kingdom, which have been captured by private armed vessels of the United States, on the high and open seas, and without the territorial limits and jurisdiction of the United States, and have been libelled and claimed, by or in behalf of the owners and other persons interested in the said private armed vessels, in some court of the United States having competent jurisdiction thereof, be and the same are hereby relinquished, in all cases where such goods, wares, and merchandise, being the property of British subjects, and captured as aforesaid, shall have been or shall be condemned as prize of war, for the benefit of the captors, by the final judgment of any court of the United States, having jurisdiction as aforesaid; all suits, libels, or prosecutions, instituted or commenced in behalf of the United States, for the recovery of any forfeiture or penalty, accrued by reason of an infraction of any of the three acts first abovementioned, affecting any goods, wares, or merchandise, the property of British subjects, and which have been captured as aforesaid, and libelled in behalf of the captors, shall be discontinued on payment of the costs accrued on such suits or libels, by or on behalf of the said owner or owners. But in all cases where goods, wares, and merchandise thus

libelled, shall not be condemned, as aforesaid for the benefit of the captors, the right and claim of the United States to the forfeiture of such goods, wares, and merchandise, shall, notwithstanding the discontinuance of the suits and libels in behalf of the said States, remain unimpaired, and such forfeitures may, after a final decision against the captors, be recovered or remitted, in conformity with the provisions of the several laws now in force, in the same manner as if the suits or libels had not been discontinued: *Provided*, That nothing herein contained shall extend to or embrace any capture made by such private armed vessels in violation of the additional instructions of the President of the United States to the public and private armed vessels thereof, of the twenty-eighth day of August, in the year one thousand eight hundred and twelve, after the captor shall have been apprized thereof, or by any such private armed vessel which was in any port of the United States subsequent to the said proclamation, and prior to such capture.

SEC. 2. *And be it further enacted*, That no decision which may hereafter be made by the Secretary of the Treasury, under the act, entitled "An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases," shall be held as affecting the claim of any person or persons claiming as captors any goods, wares, or merchandise, the forfeiture of which to the United States shall have been remitted by such decision.

SEC. 3. *And be it further enacted*, That all goods, wares, and merchandise, captured and libelled as aforesaid, shall pay the same duties, to be secured and collected in the same manner, as is provided by the act "concerning letters of marque, prizes, and prize goods," with respect to the like goods, wares, and merchandise, when captured from the enemy, and made prize of war.

Approved, July 13, 1813.

An Act to incorporate a company for making a certain turnpike road in the county of Alexandria.

*Be it enacted, &c.,* That William Robinson, Charles Lee, Charles Alexander, Thomas Swan, Robert Conway, and Philip Richard Fendall, be and they are hereby appointed a board of commissioners, a majority of whom to constitute a quorum, with full power to receive and enter in such book or books as they may deem proper, by themselves or their agents, subscriptions for raising a capital stock of eight thousand dollars, in shares of fifty dollars each, for the purpose of opening, gravelling, and improving a road in the county of Alexandria, in the District of Columbia, from the intersection of West street and Pendleton street, in the town of Alexandria, to the boundary line of the District of Columbia, in the most direct and practicable route towards Leesburg, conforming as nearly as shall be found advantageous and convenient to the present main road leading from the said intersection towards Leesburg, and through the county of Alexandria aforesaid: *Provided*, That no subscription shall be re-

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ceived unless the sum of five dollars be first paid into the hands of such agent or other person as the said commissioners may authorize to receive it. The times, places, and manner of receiving and entering subscriptions shall be prescribed by the said commissioners, and advertised in such gazettes as they may deem expedient; and whenever one hundred shares or more shall be subscribed, the commissioners, or a majority of them, shall give notice, in some newspaper printed in the said District, of a time and place, to be by them appointed, for the subscribers to proceed to organize the corporation by an election of officers; and all persons who may then be or thereafter may become the proprietors of shares in the said capital stock, either as subscribers for the same or as the legal representatives, successors, or assignees, of such subscribers, shall become one body politic and corporate, in deed, and in law, by the name and style of the "Alexandria and Leesburg Turnpike Company," and by the same name shall have perpetual succession and all the privileges belonging to a corporation; and shall be capable of taking and holding their said capital stock and the profits thereof, and of enlarging the same by new subscriptions if found necessary to fulfil the intent of this act; and of purchasing, taking, and holding, to them and their successors and assigns, in fee simple, or for any lesser estate, all such lands, tenements, and hereditaments and estate, real and personal, as shall be necessary and useful in the prosecution of their work; and of suing and being sued, of having a common seal, and of doing all and every other matter and thing, concerning the subject aforesaid, which a corporation or body politic may do.

SEC. 2. *And be it further enacted,* That the said company shall meet on the third Monday in March in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid; at which annual or special meetings they shall have full power and authority to do and perform any act by law allowed and pertaining to the affairs of said company; and the president and directors for the time being shall hold their offices until others shall be appointed in their places. And the said corporation shall not be deemed to be dissolved by reason of any defect of officers, but if it should happen that there should be no president or directors competent to call a meeting of the stockholders, the same may be called by any stockholder for the purpose of electing such officers, giving thirty days' notice of the time and place of such meeting, by advertisements in a newspaper printed in the District of Columbia.

SEC. 3. *And be it further enacted,* That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person for every share by him or her subscribed and held, which certificate shall be transferable at his or her pleasure, in person or by attorney, in the presence of the president,

clerk, or treasurer of said company, who shall witness the same; subject, however, to all payment due or to grow due thereupon; and the assignee holding any such certificate, having caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said company; and for every certificate by him held shall be entitled to one share in the capital stock and estate of said company. And if any stockholder, after thirty days' public notice in a newspaper printed in the District of Columbia, of the time and place appointed for the payment of any portion or dividend of the sum subscribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which such delinquency has taken place may be sold at public auction, and transferred by them to any person or persons willing to purchase for such price as can be obtained; or in case any proprietor shall fail to pay any instalment which shall be duly assessed, such instalment, or any part thereof, that shall remain deficient or unpaid, may be recovered of the person or persons so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars; and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, on ten days' notice, or by action at law in the usual course of judicial proceeding, in any court of record in the District of Columbia; and in all instances where the person so failing to pay his instalment cannot be found in the said district, then recovery shall be had against him by such mode of judicial proceeding as is authorized by the laws of the country where such defaulter shall be found; and in all such warrants, motions or actions, the certificate of the clerk, or recording officer of the said company, shall be conclusive evidence of the defendant's being a member of the company, and *prima facie* evidence of the amount due on the share or shares held by such defendant.

SEC. 4. *And be it further enacted,* That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meeting any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, they shall have full power and authority to appoint a treasurer and all other officers necessary and convenient, and agree with and appoint all such surveyors, intendants, artists, or other agents, as they shall judge necessary to carry on the intended works, and to fix their salaries, wages, or compensation; to direct and order the times, manner, and proportions, when and in which the stockholders shall pay moneys due on their respective shares; to draw orders on the treasurer for all moneys due from the said company, and, generally, to do and transact all such other matters, acts, and things, as by the by-laws, rules, and regulations of said company, shall be required or permitted.



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SEC. 5. *And be it further enacted*, That upon application of the said president and directors of the said company, to the circuit court of the District of Columbia, or to the judges thereof out of court, the said court, or the judges, or any two of the judges thereof out of court, shall appoint three commissioners, not interested in any of the lands through which the said road may be laid out, nor interested in the stock of the company hereby created, nor in the stock of any other turnpike company, who shall each receive from the said president, directors, and company, two dollars for every day they shall respectively be actually necessarily employed in or about the affairs of the said company. And each of the said commissioners, before he proceeds to act as such, shall take and subscribe an oath, or solemn affirmation, in the presence of a justice of the peace, that he will well, faithfully and impartially, according to the best of his skill and judgment, and without unnecessary delay, execute and perform all the duties required of him as a commissioner under the sixth section of the act of Congress, entitled "An act to incorporate a company for making certain turnpike roads in the District of Columbia;" which oaths or affirmations, so subscribed and certified by the justice, in whose presence they shall be severally taken and subscribed, shall be filed in the office of the clerk of the said circuit court, and enrolled among the land records of the county of Alexandria. And the said commissioners, or any two of them, being qualified as aforesaid, shall, upon the request of the said president and directors, cause to be surveyed, laid out, and ascertained, described, and marked, by certain metes and bounds, of the aforesaid turnpike road, described in the first section of this act, not less than sixty feet in breadth, in such routes, tracts or courses, for the same respectively, as, in the best of their judgment, will combine shortness of distance with the most convenient ground, and the smallest expense of money; and for this purpose it shall be lawful for them, and such agents, assistants, servants, or attendants, as they may think proper to employ, to enter upon any of the lands through or near which the said road may be laid out, having first given twenty days' public notice in some public newspaper, printed in the District of Columbia, of the time and place of their entering on the said business of surveying and laying out each road respectively. And if any proprietor of any part of the lands through which the said road may be laid out, shall require compensation for so much of his or her said land as may be occupied by the said road, or shall claim damages for or on account of the opening or laying out the said road through his or her land, and if the said president and directors cannot agree with such proprietors respecting the same, then the said commissioners, at the request of either party, shall appoint a day and place to hear and decide upon such claim, and the amount of compensation and damages which such proprietor shall be entitled to receive from the said president, directors and company therefor, first giving twenty days' notice to the adverse party, his or her agent,

or attorney in fact, or other legal representative, if either shall be within the District of Columbia, and if the party so notified shall fail to attend, or if the party shall be an infant under age, non compos mentis, feme covert, or absent out of the District of Columbia, and have no known agent or legal representative therein, then the said commissioners may proceed ex parte to hear and decide the same; and the award of them, or any two of them, made in writing, signed by them or any two of them, shall by them be returned to the office of the clerk of the said court for the county of Alexandria, within ten days after such hearing, and a copy thereof shall, within ten days after such return, be served upon such of the parties as are resident in the District of Columbia; and if such award be not at the session of the said circuit court, in the county of Alexandria, next after such return of the said award to the clerk's office, be set aside on account of fraud or partiality in the said commissioners, or other cause deemed sufficient in the opinion of the court, the same shall be final and conclusive between the parties, and shall be recorded by the said clerk; and the sum so awarded being paid to the said clerk, for the use of the person entitled to receive the same, the said land, mentioned and described in the said award, shall and may be taken and occupied as a turnpike road and public highway forever. And the said commissioners, upon completing the said survey of the said road, shall return a plat and certificate of such survey to the said clerk, and the same being accepted by the said court, shall be recorded by the said clerk, and thereupon the road so laid out shall be taken, used and occupied as a turnpike road and public highway forever; and the said president, directors and company may thereupon proceed to enter upon the same, and shall cause at least twenty-four feet in breadth throughout the whole length thereof, to be made an artificial road of stone, gravel, or other hard substance, of sufficient depth or thickness to secure a solid and firm road, with a surface as smooth as the materials will admit, and so nearly level that it shall in no case rise or fall more than an angle of four degrees with a horizontal line, and the said road shall thereafter be kept in good and perfect repair; and wheresoever upon the said road any bridge shall be deemed necessary, the same shall be built of sound and suitable materials. And in case either of the said commissioners should die, or refuse to act, or become incapacitated, or should be removed by the court for misconduct, the said court may appoint another in his place; and when, in the opinion of the said president and directors, the said road shall be completed to the extent of twenty-four feet in breadth, the same shall be examined by the said commissioners, or any two of them; and if in the opinion of them, or any two of them, the said road should have been completed to the extent of at least twenty four feet in breadth, according to the meaning of this act, they shall certify the same, to the said circuit court, or the judges thereof out of court, and their certificate being accepted by the said court, or any two judges thereof, and

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recorded, the said president and directors shall and may thereafter erect and fix one gate and turnpike upon and across the said road, to collect the tolls hereinafter granted to the said company; and it shall be lawful for them to appoint such and so many toll gatherers as they shall deem necessary, to collect and receive of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person or persons leading or driving any horses, mules, cattle, hogs, sheep, sulky, chair, chaise, phaeton, chariot, coach, cart, wagon, sleigh, sled, or any carriage of burden or pleasure, from passing through the said gate, until the said tolls shall be paid, that is to say: For every score of sheep, five cents; for every score of hogs, five cents; for every score of cattle, ten cents; and so in proportion for any greater or less number; for every horse or mule with a rider, three cents; for every stage or wagon and two horses, six cents; for either carriage last mentioned, with four horses, ten cents; for every led or driven horse or mule, one cent; for every sulky, chair, chaise, or carriage of pleasure, with two wheels and one horse, five cents; for every coach, chariot, phaeton, or chaise, with four wheels and two horses, nine cents; for any of the said carriages last mentioned with four horses, eleven cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses, in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, three cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, two cents for each horse drawing the same; for every cart or wagon, whose wheels do not exceed four inches in breadth, three cents for each horse drawing the same; for every cart or wagon, whose wheels shall exceed in breadth four inches, and not exceed seven inches, one and an half cents for every horse drawing the same; for every cart or wagon, whose wheels shall be more than seven inches in breadth, and not more than ten inches, one and a quarter cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, one cent for every horse drawing the same: And that all such carriages as aforesaid to be drawn by part oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

SEC. 6. *And be it further enacted*, That in all cases where stone, gravel, earth or sand shall be necessary for making or repairing the said road, and the said president, directors and company of Alexandria and Leesburg turnpike road cannot agree for the same, with the owner thereof, then, upon application by the said president and directors, or any person authorized by them, to any one of the judges of the said district court, he may, if he see cause, by warrant under his hand and seal, command the marshal of the said district to summon a jury of thirteen disinterested persons, qualified to serve as petit jurors in the said circuit

court, to meet at the place where such materials may be, on some day, not more than ten days after the date of such warrant; and to give the other party five days' notice of the said time and place, if such party be found within the District of Columbia; and if any of the said jurors should fail to attend at the said time and place, the marshal may immediately summon talesmen in the place of those who are absent, and shall administer an oath to the said jurors and talesmen, as the case may be, justly and impartially to value the said materials, and to assess the damage which the owner thereof shall sustain by the taking thereof by the said president, directors and company of the Alexandria and Leesburg turnpike road; which valuation and assessment of damages made by the said jurors, or a majority of them, shall be signed by the said marshal and the jurors, or so many of them as shall agree thereto, and be returned by the marshal to the said clerk of the said court for the county of Alexandria, to be by him recorded, and shall be conclusive between the parties; and a copy thereof shall be delivered to each of the parties who may be resident within the district; and the sum so awarded and assessed being paid to the said clerk of the said court, for the use of the party entitled thereto, the said president and directors may proceed to take and carry away the said materials so valued for the purposes aforesaid; and the said president, directors and company shall pay the said marshal five dollars for his services in summoning and empanneling the said jury and taking and returning the said inquest, and two dollars to each of the jurors so sworn.

SEC. 7. *And be it further enacted*, That for the purpose of ascertaining the weight that may be drawn along the said road in any wagon, cart, or other carriage of burden, it shall and may be lawful for the said president, managers and company to erect and establish scales and weights at or near the gate erected, or to be erected, in pursuance of this act, as they may think proper; and where there may seem reasonable cause to suspect that any cart, wagon, or other carriage of burden carries a greater weight than is, or shall be by law allowable, it shall be lawful for the toll gatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon, or carriage of burden, shall be drawn into the fixed or erected scales, at or near any such gate or turnpike, and the weight or burden drawn therein ascertained by weighing; and if the person or persons driving, or having care or charge of any such cart, wagon, or other carriage of burden, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers, and company, any sum not less than five dollars, nor more than eight dollars, to be recovered in the manner hereinafter mentioned.

SEC. 8. *And be it further enacted*, That no wagon or other carriage with four wheels, the breadth of whose wheels shall not be four inches,

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shall be drawn along the said road with a greater weight thereon than three tons weight; that no such carriage, the breadth of whose wheels shall not be seven inches, or, being six inches or more, shall roll at least ten inches, shall be drawn along the said road with more than five tons; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or, being less, shall not roll at least twelve inches, shall be drawn along the said road with more than eight tons; that no cart or carriage, with two wheels, the same breadth of wheels as the wagons aforesaid, shall be drawn along the said road with more than half the burden or weight aforesaid; and if any cart, wagon, or carriage of burden whatsoever, shall be drawn along the said road with a greater weight than is hereby allowed, the owner or owners of such carriage, if the excess of burden shall be three hundred weight or upwards, shall forfeit and pay four times the customary tolls, for the use of the company: *Provided always*, That it shall and may be lawful for the said company by their by-laws to alter any or all the regulations herein contained, respecting the burdens or carriages to be drawn over the said road, and to substitute other regulations, if upon experiment such alterations shall be found conducive to the public good: *Provided nevertheless*, That such regulations shall not lessen the burdens of carriages above described.

SEC. 9. *And be it further enacted*, That the president and directors of the said company shall keep, or cause to be kept, fair and just accounts of all moneys to be received by them from the said commissioners first herein named, and from the stockholders or subscribers to the said undertaking on account of their several subscriptions or shares, and of all moneys by them to be expended in the prosecution of their said work; and shall once at least in every year submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until the costs, charges and expenses of effecting the same shall be fully liquidated, paid, and discharged; and if, upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders, being convened according to the provisions of this act, or their by-laws and rules, to increase the amount to be paid on the shares from time to time, to such extent as shall be necessary to accomplish the work; and to demand and receive the increased amount so to be required on such shares, in like manner and under the like penalties as are hereinbefore provided for the original payments, or as shall be provided by their by-laws.

SEC. 10. *And be it further enacted*, That the said president and directors shall also keep, or cause to be kept, just and true accounts of all moneys to be received by their several collectors of tolls, at the turnpike gate on the said road, and shall make and declare a half yearly dividend

aforesaid, in some newspaper printed in the District of Columbia, and at the time and place when and where the same will be paid, and cause to be paid the same immediately.

SEC. 11. *And be it further enacted*, That it shall be the duty of the said corporation to keep the said road in good repair; and if, in neglect of their said duty, the said corporation shall, at any time, suffer the said road to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect, before any court of competent jurisdiction, and upon conviction thereof to pay the United States a penalty not exceeding one hundred dollars, at the discretion of the court; and shall also be responsible for all damages which may be sustained by any person or persons, in consequence of such want of repair, to be recovered in an action of trespass on the case, in any court competent to try the same: *Provided always, and it is further enacted*, That whenever the net proceeds of tolls collected on said road shall amount to a sum sufficient to reimburse the capital which shall be expended in the purchase of such land and making such roads, and twelve per cent. interest per annum thereon, to be ascertained by the circuit court of the United States, in and for the District of Columbia, the same shall become a free road, and tolls shall be no longer collected thereon; and the said company shall annually make returns to said circuit court of the amount of the tolls collected, and of their necessary expenses, so as to enable said circuit court to determine when said tolls shall cease.

SEC. 12. *And be it further enacted*, That if any person or persons, riding in or driving any carriage of any kind, or leading, riding or driving any horses, sheep, hogs, or any kind of cattle whatever, on said road, shall pass through any private gate, bars or fence, or over any private way or passage, or pass through any toll gate, under any pretended privilege or exemption, to which he, or she, or they, may not be entitled, or do any act or thing, with intent to lessen or evade the tolls for passing through the gate established under this act, such person or persons, for every such offence, shall forfeit, to the said president and directors, not less than three nor more than ten dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable: *Provided*, That it shall not be lawful for the company to ask, demand or receive from or for persons living on or adjacent to the said road, who may have occasion to pass by said road, upon the ordinary business relating to their farms, so far as the limits of the same may extend on the roads, respectively, who shall not have any other convenient road or way by which they may pass, from one part to another part thereof, any toll for passing on said turnpike.

Approved, July 13, 1813.

An Act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia.

*Be it enacted, &c.*, That William Marbury,

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John Hoyer, George Johnson, William Steuart, William Whann, Washington Bowie, John W. Bronaugh, Edgar Patterson, and John Eliason, be, and they are hereby appointed, a board of commissioners, a majority of whom to constitute a quorum, with full powers to receive and enter in such book or books as they may deem proper, by themselves or their agents, subscriptions for raising a capital stock of ten thousand dollars, in shares of fifty dollars each, for the purpose of opening, gravelling, and improving a road in the counties of Washington and Alexandria, in the District of Columbia, from the intersection of Falls street and Water street, in the town of Georgetown, to the boundary line of the District of Columbia, in the most direct and practicable route towards Leesburg, conforming as nearly as shall be found advantageous and convenient to the present main road, leading from the said intersection towards Leesburg, and through the counties of Washington and Alexandria aforesaid: *Provided*, That no subscription shall be received, unless the sum of five dollars be first paid into the hands of such agent or other person as the said commissioners may authorize to receive it; the times, places, and manner of receiving and entering subscriptions shall be prescribed by said commissioners, and advertised in such gazettes as they may deem expedient; and whenever one hundred shares or more shall be subscribed, the commissioners, or a majority of them, shall give notice in some newspaper, printed in the District of Columbia, of a time and place to be by them appointed, for the subscribers to proceed to organize the corporation, by an election of officers; and all persons who may then be, or thereafter may become proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees of such subscribers, shall become one body politic and corporate in deed and in law, by the name and style of the Georgetown and Leesburg Turnpike Company, and by the same shall have perpetual succession, and all the privileges belonging to a corporation; and shall be capable of taking and holding their said capital stock and the profits thereof, and of enlarging the same by new subscriptions, if found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple, or for any lesser estate, all such lands, tenements, and hereditaments, and estate real and personal, as shall be necessary and useful in the prosecution of their work, and of suing and being sued, of having a common seal, and of doing all and every other matter and thing, concerning the subject aforesaid, which a corporation or body politic may do.

Sec. 2. *And be it further enacted*, That the said company shall meet on the third Monday in March, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid; at which annual or special meetings

they shall have full power and authority to do and perform any act by law allowed, and pertaining to the affairs of said company; and the president and directors for the time being shall hold their offices until others shall be appointed in their places; and the said corporation shall not be deemed to be dissolved by reason of any defect of officers, but if it should happen that there should be no president or directors competent to call a meeting of the stockholders, the same may be called by any stockholder, for the purpose of electing such officers, giving thirty days' notice of the time and place of such meeting, by advertisement, in a newspaper printed in the District of Columbia.

Sec. 3. *And be it further enacted*, That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person for every share by him or her subscribed and held, which certificates shall be transferrable at his or her pleasure in person, or by attorney, in the presence of the president, clerk, or treasurer of said company, who shall witness the same; subject, however, to all payment due, or to grow due thereupon; and the assignee holding any such certificate, having caused the assignment to be entered in a book for the company to be kept for that purpose, and having paid the clerk of said company twenty-five cents for each certificate contained in such assignment, for his services in recording the same, shall be a member of said company; and for every certificate by him held shall be entitled to one share in the capital stock and estate of said company. And if any stockholder, after thirty days' public notice in a newspaper printed in the District of Columbia, of the time and place appointed for the payment of any portion or dividend of the sum subscribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which such delinquency has taken place, may be sold at public auction, and transferred by them to any person or persons willing to purchase for such price as can be obtained, or in case any proprietor shall fail to pay any instalment which shall be duly assessed, such instalments, or any part thereof that shall remain deficient or unpaid, may be recovered of the person or persons so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars, and, if the sum so due shall exceed twenty dollars, the same be recovered by motion in the name of said company, on ten days' notice, or by action at law in the usual course of judicial proceedings, in any court of record in the District of Columbia; and in all instances where the person so failing to pay his instalment cannot be found in the said District, then recovery shall be had against him by such mode of judicial proceeding as is authorized by the laws of the country where such defaulter shall be found; and in all such warrants, motions, or actions, the certificate of the clerk of the said company shall be conclusive of the defendant's being a member of the company, and *prima*

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*facie* evidence of the amount due on the share or shares held by such defendant.

SEC. 4. *And be it further enacted,* That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meetings any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met, they shall have full power and authority to appoint a treasurer, and all other officers necessary and convenient, and agree with and appoint all such surveyors, intendants, artists, or other agents as they may judge necessary to carry on the intended works, and to fix their salaries, wages, or compensation; to direct and order the times, manner, and proportions, when and in which the stockholders shall pay moneys due on their respective shares; to draw orders on the treasurer for all moneys due from said company; and generally to do and transact all such other matters, acts and things, as by the by-laws, rules and regulations of said company shall be required or permitted.

SEC. 5. *And be it further enacted,* That upon application of the said president and directors of the said company to the circuit court of the District of Columbia, or to the judges of said court, out of court, the said court or the judges, or any two of the judges thereof out of court, shall appoint three commissioners, not interested in any of the lands through which the said road may be laid out, nor interested in the stock of the company hereby created, nor in the occupancy of any mills or water works by which the said road may pass, who shall receive, each, from the said president and directors and company, two dollars for every day they shall respectively be actually necessarily employed in or about the affairs of said company; and each of the said commissioners, before he proceeds to act as such, shall take and subscribe an oath or solemn affirmation in the presence of a justice of the peace, that he will well, faithfully and impartially, according to the best of his skill and judgment, and without unnecessary delay, execute and perform all the duties required of him as a commissioner, under the sixth section of the act of Congress, entitled "An act to incorporate a company for making certain turnpike roads in the District of Columbia;" which oaths or affirmations, so subscribed and certified by the justice in whose presence they shall be severally taken and subscribed, shall be filed in the office of the clerk of the said circuit court, and enrolled among the land records of the county of Washington; and the said commissioners, or any two of them, being qualified as aforesaid, shall, upon the request of the said president and directors, cause to be surveyed, laid out, and ascertained, described and marked, by certain metes and bounds of the aforesaid turnpike road, described in the first section of this act, not less than sixty feet in breadth, in such routes, tracts or courses for the same respectively, as in the best of their judgment will combine

shortness of distance with the most convenient ground and the smallest expense of money; and for this purpose it shall be lawful for them and such agents, assistants, servants, or attendants, as they may think proper to employ, to enter upon any of the lands through or near which the said road may be laid out, having first given twenty days' public notice, in some public newspaper printed in the District of Columbia, of the time and place of their entering on the said business of surveying and laying out each road respectively: and if any proprietor of any part of the lands through which the said road may be laid out, shall require compensation for so much of his or her said land as may be occupied by the said road, or shall claim damages for or on account of the opening or laying out the said road through his or her land, and if the said president and directors cannot agree with such proprietors respecting the same, then the said commissioners, at the request of either party, shall appoint a day and place to hear and decide upon such claim, and the amount of compensation and damages which such proprietor shall be entitled to receive from the said president, directors, and company thereof, first giving twenty days' notice to the adverse party, his or her agent or attorney in fact, or other legal representative, if either shall be within the District of Columbia; and if the party so notified shall fail to attend, or if the party shall be an infant under age, non compos mentis, feme covert, or absent out of the District of Columbia, and have no agent or legal representative therein, then the said commissioners may proceed ex parte to hear and decide the same; and the award of them, or any two of them, made in writing, signed by them or any two of them, shall by them be returned to the office of the clerk of the said court for the county of Washington, within ten days after such hearing, and a copy thereof shall, within ten days after such return, be served upon such of the parties as are residents in the District of Columbia; and if such award be not at the session of the said circuit court, in the county of Washington, next after such return of the said award to the clerk's office, be set aside on account of fraud or partiality in the said commissioners, or other cause deemed sufficient in the opinion of the court, the same shall be final and conclusive between the parties, and shall be recorded by the said clerk; and the sum so awarded being paid to the said clerk for the use of the person entitled to receive the same, the said land, mentioned and described in the said award, shall and may be taken and occupied as a turnpike road and public highway forever. And the said commissioners, upon completing the said survey of the said road, shall return a plat and certificate of such survey to the said clerk, and the same being accepted by the said court shall be recorded by the said clerk, and thereupon the road so laid out shall be taken, used, and occupied, as a turnpike road and public highway forever; and the said president, directors, and company, may thereupon proceed to enter upon the same, and shall cause at least

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twenty-four feet in breadth, throughout the whole length thereof, to be made an artificial road of stone, gravel, or other hard substance, of sufficient depth or thickness to secure a solid and firm road, with the surface as smooth as the materials will admit, and so nearly level that it shall in no case rise or fall more than an angle of four degrees with a horizontal line; and the said road shall thereafter be kept in good and perfect repair; and whosoever upon the said road any bridge shall be deemed necessary, the same shall be built of sound and suitable materials. And in case either of the said commissioners die or refuse to act, or become incapacitated, or shall be removed by the court for misconduct, the said court may appoint another in his place, and when, in the opinion of the said president and directors, the said road shall be completed to the extent of twenty-four feet in breadth, the same shall be examined by the said commissioners, or any two of them; and if, in the opinion of them, or any two of them, the said road should have been completed to the extent of at least twenty-four feet in breadth, according to the meaning of this act, they shall certify the same to the said court, or the judges thereof out of court, and their certificate being accepted by the said court or any two judges thereof, and recorded, the said president and directors shall and may thereafter erect and fix one gate and turnpike upon and across the said road, to collect the tolls hereinafter granted to the said company; and it shall be lawful for them to appoint such and so many toll-gatherers as they shall deem necessary, to collect and receive, of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person or persons riding, leading, or driving any horses, mules, cattle, hogs, sheep, sulky, chair, chaise, phaeton, chariot, coach, cart, wagon, sleigh, sled, or any carriage of burden or pleasure, from passing through the said gate, until the said tolls shall be paid, that is to say: For every score of sheep, five cents; for every score of hogs, five cents; for every score of cattle, ten cents; and so in proportion for any greater or less number; for every horse or mule with a rider, three cents; for every stage or wagon and two horses, six cents; for either carriage last mentioned with four horses, ten cents; for every led or driven horse or mule, one cent; for every sulky, chair, chaise, or carriage of pleasure, with two wheels and one horse, five cents; for every coach, chariot, phaeton, or chaise, with four wheels and two horses, nine cents; for any of the said carriages last mentioned, with four horses, eleven cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according [to] the number of wheels and horses, in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, three cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, two cents for each horse drawing the same; for every cart or wagon, whose wheels do not exceed four inches in breadth, three cents for each horse drawing the same; for every cart or wagon

whose wheels shall exceed in breadth four inches, and not exceed seven inches, one and a half cents for every horse drawing the same; for every cart or wagon, whose wheels shall be more than seven inches in breadth, and not more than ten inches, one and a quarter cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, one cent for every horse drawing the same; and that all such carriages as aforesaid to be drawn by oxen, or to be drawn by part oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse.

SEC. 6. *And be it further enacted*, That, in all cases where stone, gravel, earth, or sand, shall be necessary for making or repairing the said road, and the said president, directors, and company of Georgetown and Leesburg turnpike road cannot agree for the same, with the owner thereof, then, upon application by the said president and directors, or any person authorized by them, to any one of the judges of the said district court, he may, if he see cause, by warrant, under his hand and seal, command the marshal of the said district to summon a jury of thirteen disinterested persons, qualified to serve as petit jurors, in the said circuit court, to meet at the place where such materials may be, on some day, not more than ten days after the date of such warrant, and to give the other party five days' notice of the said time and place, if such party be found within the District of Columbia; and if any one of the said jurors should fail to attend at the same time and place, the marshal may immediately summon talesmen in the place of those who are absent, and shall administer an oath to the said jurors and talesmen, as the case may be, justly and impartially to value the said materials and to assess the damage which the owner thereof shall sustain, by the taking thereof by the said president and directors and company of the Georgetown and Leesburg turnpike road; which valuation and assessment of damages, made by the said jurors, or a majority of them, shall be signed by the said marshal and the jurors, or so many of them as shall agree thereto, and be returned by the marshal to the said clerk of the said court for the county of Washington, to be by him recorded, and shall be conclusive between the parties, and a copy thereof shall be delivered to each of the parties who may be resident in the District of Columbia; and the sum so awarded and assessed being paid to the said clerk of the said court, for the use of the party entitled thereto, the said president and directors may proceed to take and carry away the said materials so valued, for the purposes aforesaid; and the said president, directors, and company, shall pay the said marshal five dollars for his services in summoning and empannelling the said jury, and taking and returning said inquest, and two dollars to each of the jurors so sworn.

SEC. 7. *And be it further enacted*, That, for the purpose of ascertaining the weight that may



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be drawn along the said road, in any wagon, cart, or other carriage of burden, it shall and may be lawful for the said president, directors, and company, to erect and establish scales and weights, at or near the gate erected, or to be erected, in pursuance of this act, as they may think proper; and where there may seem reasonable cause to suspect that any cart, wagon, or other carriage of burden, carries a greater weight than is or shall be by law allowable, it shall be lawful for the toll gatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon, or carriage of burden, shall be drawn into the fixed or erected scales, at or near any such gate or turnpike, and the weight or burden drawn therein ascertained by weighing; and if the person or persons driving or having care or charge of any such cart, wagon, or other carriage of burden, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay the said president, directors, and company, any sum not less than five dollars, nor more than eight dollars, to be recovered in the manner hereinafter mentioned.

SEC. 8. *And be it further enacted*, That no wagon or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than three tons weight; that no such carriage, the breadth of whose wheels shall not be seven inches, or, being six inches or more, shall roll at least ten inches, shall be drawn along the said road with more than five tons; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or, being less, shall not roll at least twelve inches, shall be drawn along the said road with more than eight tons; that no cart or carriage, with two wheels, the same breadth of wheels as the wagons aforesaid, shall be drawn along the said road with more than half the burden of weight aforesaid; and if any cart, wagon, or carriage of burden whatever, shall be drawn along the said road with a greater weight than is hereby allowed, the owner or owners of such carriage, if the excess of burden shall be three hundred weight or upwards, shall forfeit and pay four times the customary tolls, for the use of the company: *Provided always*, That it shall and may be lawful for the said company by their by-laws to alter any or all the regulations herein contained, respecting the burdens or carriages to be drawn over the said road, and to substitute other regulations, if, upon experiment, such alterations shall be found conducive to the public good: *Provided nevertheless*, That such regulations shall not lessen the burdens of carriages above described.

SEC. 9. *And be it further enacted*, That the president and directors of the said company shall keep, or cause to be kept, fair and just accounts of all moneys to be received by them from the said commissioners first herein named, and from the stockholders or subscribers to the said undertaking, on account of their several subscriptions or shares, and of all moneys by them to be expend-

ed in the prosecution of their said work, and shall once at least in every year submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until the costs, charges, and expenses of effecting the same, shall be fully liquidated, paid, and discharged; and if, upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders, being convened according to the provisions of this act, or their by-laws and rules, to increase the amount to be paid on the shares from time to time, to such extent as shall be necessary to accomplish the work, and to demand and receive the increased amount so to be required on such shares, in like manner and under the like penalties as are hereinbefore provided for the original payments, or as shall be provided by their by-laws.

SEC. 10. *And be it further enacted*, That the president and directors shall also keep, or cause to be kept, just and true accounts of all moneys to be received by their collectors of tolls at the turnpike gate on the said road, and shall make and declare a half yearly dividend aforesaid, in some newspaper printed in the District of Columbia, and at the time and place when and where the same will be paid, and cause the same to be paid immediately.

SEC. 11. *And be it further enacted*, That it shall be the duty of the said corporation to keep the said road in good repair, and if, by neglect of their said duty, the said corporation shall at any time suffer the said road to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented, for such neglect, before any court of competent jurisdiction, and, upon conviction thereof, to pay the United States a penalty not exceeding one hundred dollars, at the discretion of court; and shall also be responsible for all damages which may be sustained by any person or persons, in consequence of such want of repair, to be recovered in an action of trespass on the case, in any court competent to try the same; *Provided always*, and it is further enacted, That whenever the net proceeds of tolls, collected on said road, shall amount to a sum sufficient to reimburse the capital which shall be expended in the purchase of such land and making such roads, and twelve per cent. interest per annum thereon, to be ascertained by the circuit court of the United States, in and for the District of Columbia, the same shall become a free road, and tolls shall be no longer collected thereon; and the said company shall annually make returns to said circuit court, of the amount of tolls collected, and of their necessary expenses, so as to enable said circuit court to determine when said tolls shall cease.

SEC. 12. *And be it further enacted*, That if any person or persons riding in or driving any carriage of any kind, or leading, riding, or driving, any horses, sheep, hogs, or any kind of cattle

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whatever, on said road, shall pass through any private gate, bars, or fence, or over any private way or passage, or pass through any toll gate, under any pretended privilege or exemption to which he, she, or they, may not be entitled, or do any act or thing with intent to lessen or evade the tolls for passing through the gate established under this act, such person or persons, for every such offence, shall forfeit to the president and directors not less than three, nor more than ten dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable: *Provided*, That it shall not be lawful for the company to ask, demand, or receive, from or for persons living on or adjacent to the said road, who may have occasion to pass by said road upon the ordinary business relating to their farms, so far as the same may in its limits extend on the roads respectively, who shall not have any other convenient road or way by which they may pass from one part to another part thereof, any toll for passing on said turnpike.

Approved, July 13, 1813.

An Act providing for the further defence of the ports and harbors of the United States.

*Be it enacted, &c.*, That the President be and he is hereby authorized, whenever the same shall be deemed necessary for the defence and security of any of the ports and harbors of the United States, to cause to be hired or purchased, hulks, or other means of impediment to the entrance of the ships or vessels of the enemy, to be sunk with the consent of the proper authority of the State in which such port or harbor may be, and the same to be removed, whenever in his opinion it may be done with safety to such ports or harbors.

*Sec. 2. And be it further enacted*, That, to defray any expense which may be incurred under this act, the sum of two hundred and fifty thousand dollars be and the same is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, July 16, 1813.

An Act concerning suits and costs in courts of the United States.

*Be it enacted, &c.*, That, whenever there shall be several actions or processes against persons who might legally be joined in one action or process, touching any demand or matter in dispute before a court of the United States, or of the Territories thereof, if judgment be given for the party pursuing the same, such party shall not thereon recover the costs of more than one action or process, unless special cause for several actions or processes shall be satisfactorily shown on motion in open court.

*Sec. 2. And be it further enacted*, That whenever proceedings shall be had on several libels against any vessel and cargo which might legally be joined in one libel before a court of the United States, or of the Territories thereof, there shall not be allowed thereon more costs than on one libel, unless special cause for libelling the vessel

and cargo severally shall be satisfactorily shown as aforesaid. And, in proceedings on several libels or informations against any cargo or parts of cargo or merchandise seized as forfeited for the same cause, there shall not be allowed by the court more costs than would be lawful on one libel or information, whatever may be the number of owners or consignees therein concerned; but allowance may be made on one libel or information for the costs incidental to several claims: *Provided*, That in case of a claim of any vessel or other property seized on behalf of the United States and libelled or informed against as forfeited under any of the laws thereof, if judgment shall pass in favor of the claimant, he shall be entitled to the same upon paying only his own costs.

*Sec. 3. And be it further enacted*, That whenever causes of like nature, or relative to the same question, shall be pending before a court of the United States, or of the Territories thereof, it shall be lawful for the court to make such orders and rules concerning proceedings therein as may be conformable to the principles and usages belonging to courts for avoiding unnecessary costs or delay in the administration of justice, and accordingly causes may be consolidated as to the court shall appear reasonable. And if any attorney, proctor, or other person admitted to manage and conduct causes in a court of the United States or of the Territories thereof, shall appear to have multiplied the proceedings in any cause before the court, so as to increase costs unreasonably and vexatiously, such person may be required by order of court to satisfy any excess of costs so incurred.

Approved, July 22, 1813.

An Act for the remission of certain duties to the Pennsylvania Academy of Fine Arts.

*Be it enacted, &c.*, That all duties due and payable to the United States on a large box of paintings and engravings, owned by the Pennsylvania Academy of the Fine Arts, imported from Halifax to Boston in the year eighteen hundred and twelve, on board the cartel ship Agnes, be and the same are hereby remitted.

Approved, July 22, 1813.

An Act for the assessment and collection of direct taxes and internal duties.

*Be it enacted, &c.*, That, for the purpose of assessing and collecting direct taxes and internal duties, there shall be and are hereby designated and established the following collection districts, to wit:

The State of New Hampshire shall contain five collection districts, as follow: The first district shall consist of the county of Rockingham; the second, of the county of Strafford; the third, of the county of Hillsborough; the fourth, of the county of Cheshire; and the fifth of the counties of Grafton and Coos.

The State of Massachusetts shall contain eighteen collection districts, as follow: The first dis-

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trict shall consist of the county of Washington; the second, of the county of Hancock; the third, of the county of Lincoln; the fourth, of the county of Kennebec; the fifth, of the county of Somerset; the sixth, of the county of Oxford; the seventh, of the county of Cumberland; the eighth, of the county of York; the ninth, of the county of Essex; the tenth, of the county of Middlesex; the eleventh, of the county of Suffolk; the twelfth, of the county of Norfolk; the thirteenth, of the county of Plymouth; the fourteenth, of the county of Bristol; the fifteenth, of the counties of Barnstable, Dukes, and Nantucket; the sixteenth, of the county of Worcester; the seventeenth, of the counties of Hampshire, Franklin, and Hampden; and the eighteenth of the county of Berkshire.

The State of Vermont shall contain six collection districts, as follow: The first shall consist of the counties of Bennington and Rutland; the second, of the county of Windham; the third, of the counties of Windsor and Orange; the fourth, of the counties of Addison and Chittenden; the fifth, of the counties of Franklin and Grand Isle; and the sixth of the counties of Caledonia, Essex, and Orleans.

The aforesaid counties, comprised in the said districts contained in the State of Vermont, shall be taken to comprehend such territory as was included in the said counties, respectively, prior to the formation of the county of Jefferson in said State.

The State of Rhode Island shall contain three collection districts, as follow: The first shall consist of the counties of Newport and Bristol; the second, of the county of Providence; and the third of the counties of Washington and Kent.

The State of Connecticut shall contain seven collection districts, as follow: The first shall consist of the county of Litchfield; the second, of the county of Fairfield; the third, of the county of New Haven; the fourth, of the county of Hartford; the fifth, of the county of New London; the sixth, of the county of Middlesex; and the seventh of the counties of Windham and Tolland.

The State of New York shall contain twenty-eight collection districts, as follow: The first shall consist of the counties of Suffolk, Queens, and Kings; the second, of the city and county of New York; the third, of the county of Westchester; the fourth, of Dutchess county; the fifth, of the counties of Orange and Rockland; the sixth, of the counties of Ulster and Sullivan; the seventh, of the county of Schoharie; the eighth, of the county of Columbia; the ninth, of the county of Rensselaer; the tenth, of the county of Washington; the eleventh, of the county of Saratoga; the twelfth, of the counties of Essex, Clinton, and Franklin; the thirteenth, of the counties of Albany and Schenectady; the fourteenth, of the county of Montgomery; the fifteenth, of the county of Herkimer; the sixteenth, of the county of Oneida; the seventeenth, of the counties of Lewis, Jefferson, and St. Lawrence; the eighteenth, of the county of Otsego; the nineteenth, of the county of Chenango; the twentieth, of the county

of Madison; the twenty-first, of the counties of Tioga, Broome, and Steuben; the twenty-second, of the counties of Onondago and Cortland; the twenty-third of the counties of Cayuga and Seneca; the twenty-fourth, of the county of Ontario; the twenty-fifth, of the counties of Genesee, Niagara, Chautaque, Cataaugus, and Alleghany; the twenty-sixth, of the county of Richmond; the twenty-seventh, of the county of Greene; and the twenty-eighth of the county of Delaware.

The State of New Jersey shall contain six collection districts, as follow: The first shall consist of the counties of Bergen and Essex; the second, of the counties of Sussex and Morris; the third, of the counties of Somerset and Hunterdon; the fourth, of the counties of Middlesex and Monmouth; the fifth, of the counties of Burlington and Gloucester; and the sixth of the counties of Salem, Cumberland, and Cape May.

The State of Pennsylvania shall contain twenty-three collection districts, as follow: The first shall consist of the city of Philadelphia; the second, of the county of Philadelphia; the third, of the counties of Chester and Delaware; the fourth, of the county of Montgomery; the fifth, of the county of Bucks; the sixth, of the county of Lancaster; the seventh, of the counties of York and Adams; the eighth, of the counties of Northampton and Wayne; the ninth, of the county of Berks; the tenth, of the county of Dauphin; the eleventh, of the counties of Cumberland and Franklin; the twelfth, of the county of Northumberland; the thirteenth, of the counties of Mifflin and Huntingdon; the fourteenth, of the counties of Bedford, Somerset, and Cambria; the fifteenth, of the counties of Fayette and Greene; the sixteenth, of the county of Washington; the seventeenth, of the counties of Alleghany and Armstrong; the eighteenth, of the counties of Westmoreland and Indiana; the nineteenth, of the counties of Centre, Clearfield, Potter, Jefferson, and McKean; the twentieth, of the county of Luzerne, having the same limits as it had before the counties of Susquehannah and Bradford were laid off; the twenty-first, of the counties of Lycoming and Tioga, the same having the limits as it had before the county of Bradford was laid off; the twenty-second, of the counties of Mercer, Butler, and Beaver; and the twenty-third of the counties of Crawford, Venango, Erie, and Warren.

The State of Delaware shall contain three collection districts, as follow: The first shall consist of the county of Newcastle; the second, of the county of Kent; and the third, of the county of Sussex.

The State of Maryland shall contain nine collection districts, as follow: The first shall consist of the counties of Somerset, Worcester, and Dorchester; the second, of the counties of Talbot, Queen Anne, and Caroline; the third, of the counties of Kent, Cecil, and Harford; the fourth, of the city and county of Baltimore; the fifth, of the counties of Anne Arundel and Prince George; the sixth, of the counties of Calvert, St. Mary's, and Charles; the seventh, of the counties of

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Montgomery and Frederick; the eighth, of the county of Washington; and the ninth, of the county of Alleghany.

The State of Virginia shall contain twenty-six collection districts, as follow: The first shall consist of the counties of Lee, Russell, Washington, Wythe, and Grayson; the second, of the counties of Montgomery, Tazewell, Giles, Monro, and Botetourt; the third, of the counties of Greenbrier, Kanawha, Cabell, and Mason; the fourth, of the counties of Harrison, Wood, and Randolph; the fifth, of the counties of Monongalia, Ohio, and Brooke; the sixth, of the counties of Bath, Pendleton, Hardy, and Hampshire; the seventh, of the counties of Rockbridge and Augusta; the eighth, of the counties of Rockingham and Shenandoah; the ninth, of the counties of Frederick, Berkeley, and Jefferson; the tenth, of the counties of Bedford, Patrick, Henry, and Franklin; the eleventh, of the counties of Campbell, Charlotte, Pittsylvania, and Halifax; the twelfth, of the counties of Mecklenburg, Lunenburg, Brunswick, and Nottaway; the thirteenth, of the counties of Prince Edward, Buckingham, Cumberland, and Amelia; the fourteenth, of the counties of Powhatan, Chesterfield, Dinwiddie, and Prince George; the fifteenth, of the counties of Greensville, Sussex, Southampton, and Surry; the sixteenth, of the counties of the Isle of Wight, Nansemond, Norfolk, and Princess Anne; the seventeenth, of the counties of Elizabeth City, Warwick, York, James City, and New Kent; the eighteenth, of the counties of Charles City, Henrico, Goochland, and Hanover; the nineteenth, of the counties of Amherst, Nelson, Albemarle, and Fluvanna; the twentieth, of the counties of Orange, Madison, and Culpepper; the twenty-first, of the counties of Fauquier, Prince William, and Stafford; the twenty-second, of the counties of Loudon and Fairfax; the twenty-third, of the counties of Spotsylvania, Louisa, and Caroline; the twenty-fourth, of the counties of King George, Westmoreland, Richmond, Northumberland, and Lancaster; the twenty-fifth, of the counties of King William, King and Queen, Essex, Middlesex, Gloucester, and Matthews; and the twenty-sixth, of the counties of Accomack and Northampton.

The State of North Carolina shall contain thirteen collection districts, as follow: The first shall consist of the counties of Currituck, Camden, Pasquotank, Perquimans, Gates, Chowan, and Hertford; the second, of the counties of Bertie, Martin, Northampton, and Halifax; the third, of the counties of Washington, Tyrell, Hyde, Pitt, Edgecombe, and Beaufort; the fourth, of the counties of Green, Craven, Carteret, Jones, Lenoir, Johnston, and Wayne; the fifth, of the counties of Warren, Franklin, Nash, and Granville; the sixth, of the counties of Onslow, New Hanover, Duplin, Sampson, Brunswick, Bladen, and Columbus; the seventh, of the counties of Cumberland, Robertson, Montgomery, Richmond, Anson, and Moore; the eighth, of the counties of Wake, Orange, and Person; the ninth, of the counties of Rockingham, Caswell, Guilford, and Stokes; the tenth, of the counties of Rowan, Ran-

dolph, and Chatham; the eleventh, of the counties of Lincoln, Mecklenburg, and Cabarras; the twelfth, of the counties of Buncomb, Haywood, Burke, and Rutherford, the thirteenth, of the counties of Surry, Wilkes, Iredell, and Ashe.

The State of Ohio shall contain nine collection districts, as follow: The first shall consist of the counties of Hamilton, Butler, Warren, Clinton, and Clermont; the second, of the counties of Greene, Montgomery, Preble, Miami, and Champaigne; the third, of the counties of Pickaway, Franklin, Madison, Delaware, Knox, Licking, and Fairfield; the fourth, of the counties of Ross, Athens, Gallia, Sciota, Adams, Highland, and Fayette; the fifth, of the counties of Washington, Muskingum, Tuscarawas, and Guernsey; the sixth, of the counties of Belmont and Jefferson; the seventh, of the counties of Columbiana and Starke; the eighth, of the counties of Trumbull and Ashtabula; the ninth, of the counties of Geauga, Cuyahoga, and Portage.

The State of Kentucky shall contain ten collection districts, as follow: The first district shall consist of the counties of Clark, Estill, Montgomery, Bath, Fleming, Greenup, and Floyd; the second, of the counties of Fayette, Jessamine, and Woodford; the third, of the counties of Scott, Harrison, Pendleton, Campbell, Boone, Gallatin, and Franklin; the fourth, of the counties of Bourbon, Nicholas, Bracken, Mason, and Lewis; the fifth, of the counties of Livingston, Caldwell, Christian, Breckenridge, Ohio, Grayson, Muhlenburg, Henderson, Hopkins, and Union; the sixth, of the counties of Barron, Warren, Logan, Butler, and Cumberland; the seventh, of the counties of Mercer, Garrard, Madison, and Clay; the eighth, of the counties of Bullitt, Jefferson, Henry, and Shelby; the ninth, of the counties of Lincoln, Rockcastle, Knox, Pulaski, Wayne, Adair, and Casey; and the tenth, of the counties of Hardin, Nelson, Washington, and Green.

The State of South Carolina shall consist of nine collection districts, as follow: The first shall consist of the district of Charleston; the second, of the districts of Colleton and Beaufort; the third, of the districts of Barnwell, Orangeburg, Lexington, and Richmond; the fourth, of the districts of Edgefield and Abbeville; the fifth, of the districts of Pendleton and Greenville; the sixth, of the districts of Laurens, Newberry, and Fairfield; the seventh, of the districts of Spartanburg, Union, York, and Chester; the eighth, of the districts of Lancaster, Sumpter, Kershaw, and Chesterfield; and the ninth, of the districts of Georgetown, Horry, Marion, Marlborough, Darlington, and Williamsburgh.

The State of Tennessee shall contain six collection districts, as follow: The first shall consist of the counties of Washington, Sullivan, Green, Hawkins, and Carter; the second, of the counties of Claiborne, Granger, Jefferson, Knox, Cocke, Sevier, and Blount; the third, of the counties of Anderson, Campbell, Roan, Bledsoe, Rhea, Overton, White, Warren, and Franklin; the fourth, of the counties of Smith, Jackson, Sumner, and Wilson; the fifth, of the counties of Davidson

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Williamson, Rutherford, Bedford, and Lincoln; and the sixth, of the counties of Maury, Giles, Hickman, Humphreys, Stewart, Dixon, Montgomery, and Robertson.

The State of Georgia shall contain six collection districts, as follow: The first shall consist of the counties of Chatham, Bryan, Liberty, McIntosh, Glynn, Camden, Wayne, Effingham, Bullock, and Tatnall; the second, of the counties of Scriven, Burke, Richmond, Jefferson, Washington, and Montgomery; the third, of the counties of Columbia, Warren, Hancock, and Greene; the fourth, of the counties of Lincoln, Wilkes, Elbert, and Franklin; the fifth, of the counties of Oglethorpe, Jackson, Clark, and Morgan; and the sixth, of the counties of Laurens, Pulaski, Wilkinson, Telfair, Twiggs, Baldwin, Jones, Putnam, and Jasper, formerly called Randolph.

And the State of Louisiana shall contain four collection districts, as follow: The first shall consist of the counties of Concordia, Ouachitta, Natchitoches, and Rapides; the second, of the counties of Lefourche, Opelousas, and Attakapas; the third, of the counties of Orleans, German Coast, Acadia, Iberville, and Point Coupee; and the fourth, of the parishes of Feliciana, East Baton Rouge, Saint Helena, and Saint Tammany.

The several counties and districts heretofore enumerated shall be held, in reference to this act, to be such, and with the same boundaries as they had at the time of taking the third census or enumeration of the people of the United States; and where any new county or district shall have been, or hereafter may be, formed within any State, out of any one or more of the counties or districts composing any one of the said collection districts, such new county or district shall be considered as part of such collection district; and if such new county shall have been or hereafter shall be formed out of the counties lying in different collection districts, then the Secretary of the Treasury shall determine to which of such collection districts it shall belong.

SEC. 2. *And be it further enacted*, That one collector and one principal assessor shall be appointed for each of the said collection districts, who shall be a respectable freeholder and reside within the same; and if the appointment of the said collectors, or any of them, shall not be made during the present session of Congress, the President of the United States shall be and is hereby empowered to make such appointments during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. *And be it further enacted*, That each of the principal assessors shall divide his district into a convenient number of assessment districts, within each of which he shall appoint one respectable freeholder to be assistant assessor: *Provided*, That the Secretary of the Treasury shall be, and hereby is, authorized to reduce the number of assessment districts in any collection district in any State, if the number shall appear to him to be too great; and each assessor so appointed, and accepting the appointment, shall, be-

fore he enters on the duties of his appointment, take and subscribe, before some competent magistrate, or some collector to be appointed by this act, (who is hereby empowered to administer the same,) the following oath or affirmation, to wit: "I, A B, do swear or affirm (as the case may be) that I will, to the best of my knowledge, skill, and judgment, diligently and faithfully execute the office and duties of assessor for (naming the assessment district) without favor or partiality, and that I will do equal right and justice, in every case in which I shall act as assessor." And a certificate of such oath or affirmation shall be delivered to the collector of the district for which such assessor shall be appointed; and every assessor acting in the said office, without having taken the said oath or affirmation, shall forfeit and pay one hundred dollars, one moiety to the use of the United States, and the other to him who shall first sue for the same, to be recovered with costs of suit, in any court having competent jurisdiction.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury shall establish regulations suitable and necessary for carrying this act into effect; which regulations shall be binding on each assessor in the performance of the duties enjoined by or under this act; and also frame instructions for the said assessors, pursuant to which instructions, and whenever a direct tax shall be laid by the authority of the United States, the said principal assessors shall, respectively, on such day as may be fixed by law laying such a tax, direct and cause the several assistant assessors in the district, to inquire after and concerning all lands, lots of ground with their improvements, dwelling-houses, and slaves, made liable to taxation, under any direct tax so laid by the authority of the United States, by reference as well to any lists of assessment or collection taken under the laws of the respective States, as to any other records or documents, and by all other lawful ways and means, and to value and enumerate the said objects of taxation in the manner prescribed by this act, and in conformity with the regulations and instructions above mentioned.

SEC. 5. *And be it further enacted*, That whenever a direct tax shall be laid by authority of the United States, the same shall be assessed and laid on the value of all lands, lots of ground with their improvements, dwelling-houses, and slaves, which several articles subject to taxation, shall be enumerated and valued by the respective assessors, at the rate each of them is worth in money: *Provided, however*, That all property of whatever kind, coming within any of the foregoing descriptions, and belonging to the United States or any State, or permanently or specially exempted from taxation by the laws of the State wherein the same may be situated, shall be exempted from the aforesaid enumeration and valuation, and from the direct tax aforesaid.

SEC. 6. *And be it further enacted*, That the respective assistant assessors shall, immediately after being required, as aforesaid by the principal assessor, proceed through every part of their re-

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spective districts, and shall require all persons owning, possessing, or having the care or management of any lands, lots of ground, dwelling-houses, or slaves, lying and being within the collection district where they reside, and liable to the direct tax, as aforesaid, to deliver written lists of the same, which lists shall be made in such manner as may be directed by the principal assessor, and as far as practicable, conformably to those which may be required for the same purpose, under the authority of the respective States.

SEC. 7. *And be it further enacted,* That if any person, as aforesaid, shall not be prepared to exhibit a written list when required, and shall consent to disclose the particulars of any and all the lands, lots of ground, with their improvements, dwelling-houses, and slaves, taxable as aforesaid, then, and in such case, it shall be the duty of the officer to make such list, which being distinctly read and consented to, shall be received as the list of such person.

SEC. 8. *And be it further enacted,* That if any such person shall deliver or disclose to any assessor appointed in pursuance of this act, and requiring a list or lists, as aforesaid, any false or fraudulent list, with intent to defeat or evade the valuation or enumeration hereby intended to be made, such person so offending, and being thereof convicted, before any court having competent jurisdiction, shall be fined in a sum not exceeding five hundred dollars, nor less than one hundred dollars, at the discretion of the court, and shall pay all costs and charges of prosecution; and the valuation and enumeration required by this act, shall, in all such cases, be made, as aforesaid, upon lists, according to the form above described, to be made out by the assessors respectively, which lists the said assessors are hereby authorized and required to make, according to the best information they can obtain, and for the purpose of making which they are hereby authorized to enter into and upon, all and singular, the premises, respectively; and from the valuation and enumeration so made there shall be no appeal.

SEC. 9. *And be it further enacted,* That in case any person shall be absent from his place of residence, at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor to leave, at the house or place of residence of such person, a written note or memorandum, requiring him to present to such assessor the list or lists required by this act, within ten days from the date of such note or memorandum.

SEC. 10. *And be it further enacted.* That if any person on being notified or required, as aforesaid, shall refuse or neglect to give such list or lists as aforesaid, within the time required by this act, it shall be the duty of the assessor for the assessment district, within which such person shall reside, and he is hereby authorized and required to enter into and upon the lands, dwelling-houses, and premises, if it be necessary, of such person so refusing or neglecting, and to make, according to the best information which he can obtain, and on his own view and information, such lists of

the lands, lots of ground with their improvements, dwelling-houses, and slaves, owned, possessed, or under the care or management of such person, as are required by this act; which lists, so made and subscribed by such assessor, shall be taken and reputed as good and sufficient lists of the persons and property for which such person is to be taxed for the purposes of this act; and the person so failing or neglecting, unless in case of sickness or absence from home, shall, moreover, forfeit and pay the sum of one hundred dollars, to be recovered for the use of the United States, with costs of suit, in any court having competent jurisdiction.

SEC. 11. *And be it further enacted,* That whenever there shall be in any assessment district, any property, lands, lots of ground, dwelling-houses, or slaves, not owned or possessed by, or under the care or management of, any person or persons within such district, and liable to be taxed as aforesaid, and no list of which shall be transmitted to the principal assessor in the manner provided by this act, it shall be the duty of the assessor for such a district, and he is hereby authorized and required, to enter into and upon the real estate, if it be necessary, and take such view thereof, and of the slaves of such absent persons, of which lists are required, and to make lists of the same according to the form prescribed by this act, which lists, being subscribed by the said assessor, shall be taken and reputed as good and sufficient lists of such property under and for the purposes of this act.

SEC. 12. *And be it further enacted,* That the owners, possessors, or persons having the care and management of lands, lots of ground, dwelling-houses and slaves, not lying or being within the assessment district in which they reside, shall be permitted to make out and deliver the list thereof, required by this act, (provided the assessment district in which the said objects of taxation lie or be, is therein distinctly stated,) at the time and in the manner prescribed, to the assessor of the assessment district wherein such persons reside. And it shall be the duty of the assistant assessors, in all such cases, to transmit such lists at the time, and in the manner prescribed for the transmission of the lists of the objects of taxation, lying and being within their respective assessment districts, to the principal assessor of their collection district, whose duty it shall be to transmit them to the principal assessor of the collection district wherein the said objects of taxation shall lie or be, immediately after the receipt thereof, and the said lists shall be valid and sufficient for the purpose of this act; and, on the delivery of every such list, the person making and delivering the same shall pay to the assistant assessor one dollar, one half whereof he shall retain to his own use, and the other half thereof he shall pay over to the principal assessor of his district for the use of such principal assessor.

SEC. 13. *And be it further enacted,* That the lists aforesaid shall be taken with reference to the day fixed for that purpose by the act or acts of Congress laying the tax or taxes; and the assis-



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tant assessors, respectively, after collecting the said lists, shall proceed to arrange the same, and to make two general lists, the first of which shall exhibit, in alphabetical order, the names of all persons liable to pay a tax under the authority of the United States, residing within the assessment district, together with the value and assessment of the objects liable to taxation within such district, for which each such person is liable to pay a direct tax, and, whenever so required by the principal assessor, the amount of direct tax, payable by each person on such objects under the State laws, imposing direct taxes; and the second list shall exhibit, in alphabetical order, the names of all persons residing out of the collection district, owners of property within the district, together with the value and assessment thereof, or amount of direct tax due thereon as aforesaid. The forms of the said general lists shall be devised and prescribed by the principal assessor, and lists taken according to such form shall be made out by the assistant assessors, and delivered to the principal assessor within sixty days after the day fixed by the act of Congress, requiring lists from individuals. And if any assistant assessor shall fail to perform any duty assigned by this act, within the time prescribed by his precept, warrant, or other legal instructions, not being prevented therefrom by sickness or other unavoidable accident, every such assessor shall be discharged from office, and shall moreover forfeit and pay two hundred dollars, to be recovered for the use of the United States in any court having competent jurisdiction, with costs of suit.

SEC. 14. *And be it further enacted*, That, immediately after the valuations and enumerations shall have been completed as aforesaid, the principal assessor in each collection district shall, by advertisement in some public newspaper, if any such there be in such district, and by written notifications to be publicly posted up in at least four of the most public places in each assessment district, advertise all persons concerned of the place where said lists, valuations, and enumerations, may be seen and examined; and that during twenty-five days after the publication of the notification as aforesaid, appeals will be received and determined by him relative to any erroneous or excessive valuations or enumerations by the assessor. And it shall be the duty of the principal assessor in each collection district, during twenty-five days after the date of public notification to be made as aforesaid, to submit the proceedings of the assessors, and the lists by them received or taken as aforesaid, to the inspection of any and all persons who shall apply for that purpose; and the said principal assessors are hereby authorized to receive, hear, and determine, in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors: *Provided always*, That the question to be determined by the principal assessor, on an appeal respecting the valuation of property, shall be, whether the valuation complained of be or be not in a just relation or proportion to other valuations in the same assess-

ment district. And all appeals to the principal assessors, as aforesaid, shall be made in writing, and shall specify the particular cause, matter, or thing, respecting which a decision is requested; and shall moreover state the ground or principle of inequality or error complained of; and the principal assessor shall have power to re-examine and equalize the valuations as shall appear just and equitable; but no valuation shall be increased without a previous notice of at least five days to the party interested to appear and object to the same, if he judge proper; which notice shall be given by a note in writing, to be left at the dwelling house of the party by such assessor as the principal assessor shall designate for that purpose.

SEC. 15. *And be it further enacted*, That whenever the quotas or portions of direct tax payable by the States, respectively, shall be laid and apportioned by law on the counties or State districts, and such county or counties, State district or districts, shall contain more than one assessment district, then and in that case, the principal assessors shall have power, on examination of the lists rendered by the assessors according to the provisions of this act, to revise, adjust, and equalize the valuations of lands, lots of ground with their improvements, dwelling-houses and slaves, between such assessment districts, by deducting from or adding either such a rate per centum as shall appear just and equitable.

SEC. 16. *And be it further enacted*, That immediately after hearing appeals, and adjusting and equalizing the valuations according to the provisions of the preceding section, the principal assessors respectively shall make out lists containing the sums payable according to the assessments aforesaid, and according to the provisions of this act, upon every object of taxation within their respective districts, so as to raise upon the county or counties, State, district or districts, contained within the collection districts established by this act, for which they are respectively appointed, the quota of the direct tax laid by the United States, which shall have been imposed on such county or counties, State, district or districts, by the law laying such direct tax; which lists shall contain the name of each person residing within the collection district liable to pay the direct tax, or of the persons residing within the said district, and having the care or superintendence of property lying within the said district, which is liable to the payment of said tax, where such person or persons are known, together with the sum payable by each such person or persons aforesaid, on account of the said direct tax as aforesaid. And where there is any property within any collection district, liable to the payment of the direct tax, not owned or occupied by or under the superintendence of any person resident therein, there shall be a separate list of such property, specifying the sums payable, and the names of the respective proprietors, where known.

SEC. 17. *And be it further enacted*, That each of the collectors to be appointed as aforesaid, shall, within sixty days from the day on which the principal assessors shall have received the

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lists from the assistant assessors, be furnished by the principal assessors with one or more of the lists prepared in conformity with the preceding sections by the principal assessor, signed and certified by such assessor. And each collector, on receiving a list as aforesaid, shall subscribe three receipts, one of which shall be given on a full and correct copy of such list, which list and receipt shall remain with the principal assessor and be open to the inspection of any person who may apply to inspect the same; and the other two receipts shall be given on aggregate statements of the lists aforesaid, exhibiting the gross amount of taxes to be collected in each county or State district contained in the collection district; one of which aggregate statements and receipts shall be transmitted to the Secretary, and the other to the Comptroller of the Treasury.

SEC. 18. *And be it further enacted*, That each collector, before receiving any list as aforesaid for collection, shall give bond, with one or more good and sufficient sureties, to be approved by the Comptroller of the Treasury, in at least double the amount of the taxes assessed in the collection district for which he may be appointed; which bond shall be payable to the United States, with condition for the true and faithful discharge of the duties of his office according to law, and particularly for the due collection and payment of all moneys assessed upon such district; and said bond shall be transmitted to and deposited in the office of the Comptroller of the Treasury.

SEC. 19. *And be it further enacted*, That the taxes so assessed shall be and remain a lien upon all lands and other real estate, and all slaves of the individuals who may be assessed for the same, during two years after the time it shall become due and payable; and the said lien shall extend to each and every part of all tracts or lots of land or dwelling-houses, notwithstanding the same may have been divided or alienated in part.

SEC. 20. *And be it further enacted*, That each collector shall be authorized to appoint, by an instrument of writing under his hand and seal, as many deputies as he may think proper, assigning to each such deputy, by that instrument of writing, such portion of his collection district as he may think proper; and also to revoke the powers of any deputy, giving public notice thereof in that portion of the district assigned to such deputy. And each such deputy shall have the like authority in every respect to collect the tax so assessed, within the portion of the district assigned to him, which is by this act vested in the collector himself; but each collector shall in every respect, be responsible both to the United States and individuals, as the case may be, for all moneys collected, and for every act done as deputy collector by any of his deputies, whilst acting as such: *Provided*, That nothing herein contained shall prevent any collector from collecting himself the whole or any part of the tax so assessed and payable in his district.

\*SEC. 21. *And be it further enacted*, That each of the said collectors, or his deputies, shall, within ten days after receiving his collection list, ad-

vertise in one newspaper printed in his collection district, if any there be, and by notifications to be posted up in at least four public places in his collection district, that the said tax has become due and payable, and state the times and places at which he or they will attend to receive the same, which shall be within twenty days after such notification; and with respect to persons who shall not attend, according to such notifications, it shall be the duty of each collector, in person, or by deputy, to apply once at their respective dwellings within such district, and there demand the taxes payable by such persons, which application shall be made within sixty days after the receipt of collection lists by the collectors; and if the said taxes shall not be then paid, or within twenty days thereafter, it shall be lawful for such collector and his deputies to proceed to collect the said taxes by distress and sale of the goods, chattels, or effects of the persons delinquent as aforesaid, with a commission of eight per centum upon the said taxes to and for the use of such collector: *Provided*, That it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved lands, arms, or household furniture, or apparel necessary for a family.

SEC. 22. *And be it further enacted*, That whenever goods, chattels, or effects, sufficient to satisfy any tax upon dwelling-houses or lands and their improvements, owned, occupied, or superintended by persons known and residing within the same collection district, cannot be found, the collector having first advertised the same for thirty days in a newspaper printed within the collection district, if such there be, and having posted up, in at least ten public places within the same, a notification of the intended sale, thirty days previously thereto, shall proceed to sell, at public sale, so much of the said property as may be necessary to satisfy the taxes due thereon, together with an addition of twenty per centum to the said taxes. And if the property, so advertised for sale, cannot be sold for the amount of the tax due thereon, with the said additional per centum thereto, the collector shall purchase the same in behalf of the United States, for the amount aforesaid: *Provided*, That the owner or superintendent of the property aforesaid, after the same shall have been as aforesaid advertised for sale, and before it shall have been actually sold, shall be allowed to pay the amount of the tax thereon, with an addition of ten per centum on the same, on the payment of which the sale of the said property shall not take place: *Provided, also*, That the owners, their heirs, executors, or administrators, or any person in their behalf, shall have liberty to redeem the lands and other property sold as aforesaid, within two years from the time of sale, upon payment to the collector, for the use of the purchaser, his heirs or assigns, of the amount paid by such purchaser, with interest for the same at the rate of twenty per centum per annum; and no deed shall be given in pursuance of such sale, until the time of redemption shall have expired;

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and the collector shall render a distinct account of charges incurred in offering and advertising for sale such property, and shall pay into the Treasury the surplus, if any there be, of the aforesaid addition of twenty per centum, or ten per centum, as the case may be, after defraying the said charges.

Sec. 23. *And be it further enacted*, That with respect to property lying within any collection district, not owned, occupied, or superintended by some person residing therein, and on which the tax shall not have been paid to the collector within ninety days after the day on which he shall have received the collection lists from the principal assessor, the collector shall transmit lists of the same to one of the collectors within the same State, to be designated for that purpose by the Secretary of the Treasury. And the collector who shall have been thus designated by the Secretary of the Treasury, shall transmit receipts for all the lists received as aforesaid, to the collectors transmitting the same, and the collectors thus designated in each State by the Secretary of the Treasury, shall cause notifications of the taxes due as aforesaid, and contained in the lists thus transmitted to them, to be published for sixty days in at least one of the newspapers published in the State; and the owners of the property on which such taxes may be due shall be permitted to pay to such collector the said tax with an addition of ten per centum thereon: *Provided*, Such payment is made within one year after the day on which the collector of the district, where such property lies, had notified that the tax had become due on the same.

Sec. 24. *And be it further enacted*, That when any tax, as aforesaid, shall have remained unpaid for the term of one year as aforesaid, the collector in the State where the property lies, and who shall have been designated by the Secretary of the Treasury as aforesaid, having first advertised the same for sixty days, in at least one newspaper in the State, shall proceed to sell, at public sale, so much of the said property as may be necessary to satisfy the taxes due thereon, together with an addition of twenty per centum thereon. If the property advertised for sale cannot be sold for the amount of the tax due thereon, with the said addition thereon, the collector shall purchase the same, in behalf of the United States, for the amount aforesaid. And the collector shall render a distinct account of the charges incurred in offering and advertising for sale such property, and pay into the Treasury the surplus, if any, of the aforesaid addition of ten or twenty per cent., as the case may be, after defraying the said charges.

Sec. 25. *And be it further enacted*, That the collectors designated as aforesaid, by the Secretary of the Treasury, shall deposit with the clerks of the district court of the United States, in the respective States, and within which district the property lies, correct lists of the tracts of lands or other real property sold by virtue of this act, for non-payment of taxes, together with the names of the owners or presumed owners, of the purchasers of the same at the public sales aforesaid, and

of the amount paid by such purchasers for the same. The owners, their heirs, executors, or administrators, or any person in their behalf, shall have liberty to redeem the lands or other property sold as aforesaid, within two years from the time of sale, upon payment to the clerk aforesaid, for the use of the purchaser, his heirs or assigns, of the amount paid by such purchaser for the said land or other real property, with interest for the same, at the rate of twenty per centum per annum, and of a commission of five per centum on such payment, for the use of the clerk aforesaid. The clerks shall, on application, pay to the purchasers the moneys thus paid for their use, and they shall give deeds for the lands or property aforesaid, to the purchasers entitled to the same, in all cases where the same shall not have been redeemed within two years as aforesaid, by the original owners thereof or their legal representatives; and the said clerk shall be entitled to receive from the purchaser the sum of two dollars for every such deed, to be paid on the delivery thereof to such purchasers; and in all cases where lands may be sold under this act for the payment of taxes belonging to infants, persons of insane mind, married women, or persons beyond sea, such persons shall have the term of two years after their respective disabilities shall have been removed, or their return into the United States, to redeem lands thus sold, on their paying into the clerk's office, aforesaid, the amount paid by the purchaser, together with ten per cent. per annum thereon: and on their paying to the purchaser of the land aforesaid a compensation for all improvements he may have made on the premises subsequent to his purchase, the value of which improvements to be ascertained by three or more neighboring freeholders to be appointed by the clerk aforesaid, who on actual view of the premises shall assess the value of such improvements on their oaths, and make a return of such valuation to the clerk aforesaid immediately.

Sec. 26. *And be it further enacted*, That the several collectors shall, at the expiration of every month after they shall respectively commence their collections, transmit to the Secretary of the Treasury, a statement of the collections made by them respectively, within the month, and pay over quarterly or sooner, if so required by the said Secretary, the moneys by them respectively collected within the said term. And each of the said collectors shall complete the collection of all sums assigned to him for collection as aforesaid, shall pay over the same into the Treasury, and shall render his final account to the Treasury Department within six months from and after the day when he shall have received the collection lists from the principal assessor: *Provided however*, That the period of one year and three months from the said day shall be allowed to the collector designated in each State as aforesaid, by the Secretary of the Treasury, with respect to the taxes contained in the list transmitted to him by the other collectors as aforesaid.

Sec. 27. *And be it further enacted*, That each collector shall be charged with the whole amount

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of taxes by him receipted, whether contained in the lists delivered to him by the principal assessor or transmitted to him by other collectors, and he shall be allowed credit to the amount of taxes contained in the lists transmitted in the manner above provided to other collectors, and by them receipted as aforesaid; and also for the taxes of such persons as may have absconded or become insolvent, subsequent to the date of assessment, and prior to the date when the tax ought, according to the provisions of this act, to have been collected; provided it shall be proven, to the satisfaction of the Comptroller of the Treasury, that due diligence was used by the collector, and that no property was left from which the tax could have been recovered; and each collector designated in each State as aforesaid, by the Secretary of the Treasury, shall receive credit for the taxes due for all tracts of land, which, after being offered for sale by him in the manner aforesaid, shall or may have been purchased by him in behalf of the United States.

SEC. 28. *And be it further enacted*, That if any collector shall fail either to collect or to render his account, or to pay over in the manner or within the times herein before provided, it shall be the duty of the Comptroller of the Treasury, and he is hereby authorized and required, immediately after such delinquency, to issue a warrant of distress against such delinquent collector and his sureties, directed to the marshal of the district, therein expressing the amount of the taxes imposed on the district of such collector, and the sums, if any, which have been paid; and the said marshal shall, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels or any personal effects of the delinquent collector; and for want of goods, chattels, or effects aforesaid, sufficient to satisfy the said warrant, the same may be levied on the person of the collector, who may be committed to prison, there to remain until discharged in the due course of law; and furthermore, notwithstanding the commitment of the collector to prison as aforesaid, or if he abscond, and goods, chattels, and effects, cannot be found sufficient to satisfy the said warrant, the said marshal or his deputy shall and may proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels or any personal effects of the surety or sureties of the delinquent collectors. And the amount of the sums committed to any collector for collection, as aforesaid, shall and the same are hereby declared to be a lien upon the lands and real estate of such collector and his sureties, until the same shall be discharged according to law; and for want of goods and chattels or other personal effects of such collector or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the preceding section of this act, the lands and real estate of such collector and his sureties, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks, in not less than three public places in the collection dis-

trict, and in one newspaper printed in the county or district, if any there be, prior to the proposed time of sale, may and shall be sold by the marshal or his deputy; and, for all lands and real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under delinquent collectors or their sureties aforesaid; and all moneys that may remain of the proceeds of such sale, after satisfying the said warrant of distress and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the lands or real estate sold as aforesaid.

SEC. 29. *And be it further enacted*, That each and every collector, or his deputy, who shall exercise or be guilty of any extortion or oppression, under color of this act, or shall demand other or greater sums than shall be authorized by law, shall be liable to pay a sum not exceeding three hundred dollars, to be recovered by and for the use of the party injured, with costs of suit, in any court having competent jurisdiction; and each and every collector and his deputies shall, if required, give receipts for all sums by them collected and retained in pursuance of this act.

SEC. 30. *And be it further enacted*, That there shall be allowed and paid for the services performed under this act: To each principal assessor, two dollars for every day employed in hearing appeals and making out lists agreeably to the provisions of this act, and four dollars for every hundred taxable persons contained in the tax list as delivered by him to the collector: To each assistant assessor, one dollar and fifty cents for every day actually employed in collecting lists and making valuations, the number of days necessary for that purpose being certified by the principal assessor and approved by the Comptroller of the Treasury, and three dollars for every hundred taxable persons contained in the tax list as completed and delivered by him to the principal assessor; and the assessors respectively shall be allowed their necessary and reasonable charges for books and stationery used in the execution of their duties.

SEC. 31. *And be it further enacted*, That the allowances made as aforesaid, to the assessors, shall be paid at the Treasury to the principal assessors respectively; for which purpose one hundred and fifty thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, are hereby appropriated.

SEC. 32. *And be it further enacted*, That in cases where no person can be found in any collection district, or assessment district, to serve either as collector, principal assessor, or assistant assessor respectively, the President of the United States is hereby authorized to appoint one of the deputy postmasters in such districts, to serve as collector or assessor, as the case may be; and it shall be the duty of such deputy postmaster to perform accordingly the duties of such officer.

SEC. 33. *And be it further enacted*, That whenever a direct tax shall be assessed, or internal duties laid, separate accounts of each shall be kept

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at the Treasury of the United States, of all moneys received from the direct tax, and from internal duties, showing upon what articles or subjects of taxation those duties accrued; also the amount of moneys paid to collectors, assessors, assistant assessors, or other officers employed in the collection thereof; distinguishing the amount of moneys received from each State, and from what tax or species of duties received, and distinguishing also the amount of moneys paid to the officers in each State; which accounts it shall be the duty of the Secretary of the Treasury annually, in the month of December, to lay before Congress.

Approved, July 22, 1813.

An Act to regulate the allowance of forage to officers in the Army of the United States.

*Be it enacted, &c.,* That all officers in the military service of the United States, who are by law entitled to forage, shall receive in lieu thereof, when not drawn in kind, an equivalent in money, at the rate of eight dollars per month for each horse to which they may be entitled: *Provided,* That no allowance shall be made to any officer for more horses than he shall actually employ in the public service.

Approved, July 22, 1813.

An Act to establish the town of Mobile a port of entry.

*Be it enacted, &c.,* That, from and after the first day of August next, the town of Mobile shall be and the same is hereby established the sole port of entry for the district, including the shores, waters, and inlets of the bay and river Mobile, and of the other rivers, creeks, inlets, and bays, emptying into the Gulf of Mexico, east of the said river Mobile, and west thereof to the eastern boundary of the State of Louisiana.

Approved, July 22, 1813.

An Act laying duties on sugar refined within the United States.

*Be it enacted, &c.,* That, from and after the first day of January next, there be levied, collected, and paid, upon all sugar which shall be refined within the United States, a duty of four cents per pound.

SEC. 2. *And be it further enacted,* That every refiner of sugar, who shall be such immediately before and on the first day of January next, shall, on the said day, and every refiner of sugar who shall be and become such after the said day, shall, twenty days at the least previous to commencing the business of refining sugar, make true and exact entry and report in writing to the collector, appointed by virtue of the act, entitled "An act for the assessment and collection of direct taxes and internal duties," for the collection district in which shall be the house or building where he or she shall carry on, or intend to carry on, the said business, of every house or building where such business shall be by him or her carried on, or intended so to be, and of every pan or boiler, to-

gether with the capacity of each, which he or she shall have or employ for the purpose of refining sugar, and shall also give bond in the sum of five thousand dollars, with condition that he or she shall and will enter, or cause to be entered in a book or paper to be kept for that purpose, all sugar which he or she shall refine or cause to be refined, and of the quantities, from day to day by him or her sent out or caused to be sent out of the house or building where the same shall have been refined, and shall, on the first day of April, July, October, and January, in each year, render a just and true account of all the refined sugar which he or she shall have sent out, or caused or procured to be sent out, from the first time of his or her entry and report aforesaid, until the day which shall first ensue, of the days above mentioned, for the rendering of such account, and thenceforth successively, from the time when such account ought to have been, and up to which it shall have been last rendered, until the day next thereafter, of the days above mentioned, for the rendering of such account, producing and showing therewith the original book or paper, whereon the entries from day to day, to be made as aforesaid, have been made; and he or she shall, at the time of rendering each account, pay or secure the duties which by this act ought to be paid upon the refined sugar in the said account mentioned; and if any such refiner shall omit to make any such entry or report, he or she shall forfeit and lose every pan or boiler which he or she shall have and use for the purpose of refining sugar, and shall also forfeit the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 3. *And be it further enacted,* That every such refiner shall yearly, being thereunto required by the collector aforesaid, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts which have been by him or her rendered of the quantities of refined sugar by him or her sent out, or procured or caused to be sent out of the house or building where the same shall have been manufactured, have been just and true.

SEC. 4. *And be it further enacted,* That if any person shall knowingly and with design, falsely swear or affirm touching any of the matters hereinbefore required to be verified by oath or affirmation, he or she shall be deemed guilty of wilful and corrupt perjury.

SEC. 5. *And be it further enacted,* That every refiner of sugar shall at each time of rendering an account, as hereinbefore required, make a true and particular report of the buildings, pans, and boilers which he or she, at any time since that of rendering his or her last account, has used or kept, and shall then have, use or keep for carrying on the said business of refining sugar, on pain of forfeiting for each and every neglect or omission all such pans and boilers, together with the sum of five hundred dollars, to be recovered with costs of suit.

SEC. 6. *And be it further enacted,* That all refined sugar which shall have been manufactured or made within the United States in manner

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aforsaid, after the said first day of January next, whereof the duties aforsaid have not been duly paid or secured, according to the true intent and meaning of this act, shall, upon default being made in the paying or securing of the said duties, be forfeited, and shall and may be seized as forfeited, by the collector aforsaid or officer of the customs.

SEC. 7. *And be it further enacted*, That it shall be lawful for every such refiner of sugar, at his or her option, either to pay, upon the rendering of his or her account as aforsaid, the duties which shall thereby appear to be due and payable, with a deduction or abatement of six per cent. for prompt payment, or to give bond with one or more sureties, to the satisfaction of the collector, to whom such account shall be rendered, for the payment of the said duties, at the expiration of nine months thereafter: *Provided*, That no person whose bond for any of the said duties shall remain unpaid beyond the term allowed for the payment thereof, shall be entitled to future credit for any of the said duties, so long as such bond shall remain unpaid.

SEC. 8. *And be it further enacted*, That the duties hereby laid upon sugar refined within the United States, shall and may be drawn back upon all such of the said sugar refined within the United States after the aforsaid first day of January next, which after the said day shall be exported from the United States to any foreign port or place: *Provided*, That no drawback shall be allowed on any exportation as aforsaid, in any instance where the same shall amount to less than twelve dollars.

SEC. 9. *And be it further enacted*, That in order to entitle the exporter or exporters to the benefit of the said allowance of drawback, he, she, or they shall, previous to the putting or lading any of the said refined sugar on board of any ship or vessel for exportation, give six hours notice at the least to the proper officer of inspection of the port from which the said sugar shall be intended to be exported, of his, her, or their intention to export the same, and of the number of packages containing the same, and the respective marks thereof, and the place or places where deposited, and of the place to which, and ship or vessel in which they or either of them shall be so intended to be exported; whereupon it shall be the duty of the said officer to inspect, by himself or deputy, the packages so notified for exportation, and the same after such inspection shall be laden on board the same ship or vessel of which notice shall have been given, and in the presence of the same officer or his deputy who shall have inspected the same, which officer, after the same shall have been so laden on board, shall certify to the collector of the customs for the district the quantity and particulars of the refined sugar so laden for exportation.

SEC. 10. *And be it further enacted*, That the said allowance shall not be made unless the said exporter or exporters shall make oath or affirmation that the said sugar, so noticed for exportation and laden on board such ship or vessel, is truly

intended to be exported to the place whereof notice shall have been given, and is not intended to be relanded within the United States, and that he or she doth verily believe that the duties thereupon charged by this act have been duly paid or secured to be paid; and shall also give bond to the collector of the customs, with two sureties, one of whom shall be the master or other person having the command or charge of the ship or vessel, in which the said sugar shall be intended to be exported, the other such sufficient person as shall be approved by the said collector, in the full value, in the judgment of the said collector, of the sugar so intended to be exported, with condition that the said sugar (the dangers of the seas and enemies excepted) shall be really and truly exported to and landed in some port or place without the limits of the United States, and that the said sugar shall not be unshipped from on board the said ship or vessel whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the United States (shipwreck or other unavoidable accident excepted.)

SEC. 11. *And be it further enacted*, That the said allowance shall not be paid until nine months after the said sugar shall have been so exported: *Provided*, That whenever the owner of any ship or vessel, on board of which any such sugar is laden for exportation, shall make known to the collector, previous to the departure of such ship or vessel from the port where such sugar is laden, that such ship or vessel is not going to proceed on the voyage intended, or the voyage is altered, it shall be lawful for the collector to grant a permit for relanding the same.

SEC. 12. *And be it further enacted*, That if any of the said sugar, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of the United States, or within four leagues of the coast thereof, or shall be relanded within the United States, from on board the ship or vessel wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforsaid, or unless in case of necessity or distress, to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs residing at the port nearest to which such ship or vessel shall be at the time such necessity or distress shall arise, then not only the sugar so unshipped, together with the casks, vessels, and cases containing the same, but also the ship or vessel, in or on board of which the same shall have been so shipped or laden, together with the guns, furniture, ammunition, tackle, and apparel, and also the ship, vessel, or boat into which the said sugar shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle, and apparel, shall be forfeited, and may be seized by any officer of the customs or of inspection.

SEC. 13. *And be it further enacted*, That the bond to be given as aforsaid, shall and may be discharged, by producing within one year from



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its date (if the same shall be shipped to any part of Europe or America, and within two years, if shipped to any part of Asia or Africa; and if the delivery of the sugar, in respect to which the same shall have been given, be at any place where a consul or other agent of the United States resides) a certificate of such consul or agent, or if there be no consul or agent, then a certificate of any two known and reputable American merchants, residing at the said place, and if there be not two such merchants residing at the said place, then a certificate of any other two reputable merchants, testifying the delivery of the said sugar at the said place, which certificate shall, in each case, be confirmed by the oath or affirmation of the master or mate, or other like officer of the vessel in which the said sugar shall have been exported, and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not, upon diligent inquiry, to be found two merchants of the United States at the said place: *Provided always*, That in case of death, the oath or affirmation of the party dying shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and seal, shall be of the same validity as if taken before a person qualified to administer oaths within the United States, or such bonds shall and may be discharged upon proof that the sugar so exported was taken by enemies, or perished in the sea, or destroyed by fire; the examination and proof of the same being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such sugar shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of such sugar shall nevertheless be permitted to offer such other proof as to the delivery of the said sugar, without the limits of the United States, as he or they may have; and if the same shall be deemed sufficient by the said collector, he shall allow the same; except when the drawback to be allowed shall amount to one hundred dollars or upwards; in all which cases the proofs aforesaid shall be referred to the Comptroller of the Treasury, whose decision thereon shall be final.

SEC. 14. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized, to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act. And all fines, penalties, and forfeitures which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States, or of the collector aforesaid, within whose district any such fine, penalty, or forfeiture shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the

person who, if a collector, shall first discover, if other than a collector, shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture shall have been incurred; and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place, by law established for the holding of a district court within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the State holden within the said district, having jurisdiction in like cases.

SEC. 15. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and for one year thereafter, and no longer.

Approved, July 24, 1813.

An Act to establish the office of Commissioner of the Revenue.

*Be it enacted, &c.*, That, for superintending the collection of the direct tax and internal duties, laid by the authority of the United States, there shall be an officer in the Department of the Treasury, to be denominated Commissioner of the Revenue, who shall be charged, under the direction of the head of the Department, with preparing all the forms necessary for the assessors and collectors of the tax and duties aforesaid; with preparing, signing, and distributing all the licenses required by any law imposing any of the duties aforesaid; and with the superintendence, generally, of all the officers employed in assessing and collecting the said tax and duties.

SEC. 2. *And be it further enacted*, That the said Commissioner of the Revenue shall likewise superintend the collection of the residue of the former direct tax and internal duties which may be still outstanding, and shall also execute the services with respect to light-houses and other objects which were usually performed by the former Commissioners of the Revenue.

SEC. 3. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to place also the collection of the duties on impost and tonnage under the superintendence of the said Commissioner of the Revenue, if, in his opinion, the public service will be promoted by transferring that duty from the Comptroller to the said Commissioner.

SEC. 4. *And be it further enacted*, That the compensation of the said Commissioner of the Revenue shall be the same with that of the Auditor of the Treasury; and that he shall, for the present, be allowed a number of clerks whose salaries shall not, in the whole, exceed four thousand dollars a year.

SEC. 5. *And be it further enacted*, That a sum not exceeding three thousand five hundred dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, be and the same is hereby appropriated, to pay the Commissioner and salaries aforesaid, for the year one thousand eight hundred and thirteen.

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SEC. 6. *And be it further enacted*, That all letters and packets to and from the Commissioner of the Revenue, shall be received and conveyed by post, free of postage, under the same restrictions as are provided by law with respect to other free letters and packets.

Approved, July 24, 1813.

An Act to continue in force for a limited time, certain acts authorizing corps of rangers for the protection of the frontiers of the United States, and making appropriations for the same.

*Be it enacted, &c.*, That the act entitled "An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States," passed January second, one thousand eight hundred and twelve, and also the act supplementary thereto, passed July first, one thousand eight hundred and twelve, be, and the same are hereby, continued in force for one year from and after the passage hereof, and from thence to the end of the next session of Congress.

SEC. 2. *And be it further enacted*, That the sum of four hundred and seventy-two thousand one hundred and forty-one dollars be, and the same is hereby, appropriated for the pay, subsistence, and forage, during the year one thousand eight hundred and thirteen, of the seven companies of rangers raised, or to be raised, for the United States, pursuant to the above recited acts, and of the ten companies of rangers authorized by the act of the twenty-fifth of February, one thousand eight hundred and thirteen.

For the pay of the officers, non-commissioned officers, and privates of the said companies, the sum of four hundred and fifty-one thousand one hundred and eighty dollars.

For the subsistence of the officers, eleven thousand one hundred and sixty-nine dollars.

For forage, the sum of nine thousand seven hundred and ninety-two dollars. The said sums to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, July 24, 1813.

An Act laying duties on carriages for the conveyance of persons.

*Be it enacted, &c.*, That, from and after the last day of December next, there shall be levied, collected, and paid, the following yearly rates and duties upon all carriages for the conveyance of persons, which shall be kept by or for any person, for his or her own use, or to be let out for hire, or for the conveyance of passengers, to wit: for and upon every coach, the yearly sum of twenty dollars; for and upon every chariot and postchaise, the yearly sum of seventeen dollars; for and upon every phaeton and on every coachee having panel work in the upper division thereof, the yearly sum of ten dollars; for and upon every other four wheel carriage hanging on steel or iron springs, the yearly sum of seven dollars; for and upon every four wheel carriage hanging upon wooden springs, and on every two wheel carriage hanging on steel or iron springs, the yearly sum of

four dollars; and for and upon every other four or two wheel carriage, the yearly sum of two dollars: *Provided always*, That nothing herein contained shall be construed to charge with a duty, any carriage usually and chiefly employed in husbandry, or for the transportation or carrying of goods, wares, merchandise, produce, or commodities.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied and collected upon all carriages usually and chiefly employed for the conveyance of persons, by whatever name or description the same have been or shall hereafter be known and called. And in cases of doubt, any carriage shall be deemed to belong to that class to which the same shall bear the greatest resemblance, and shall be subject to duty accordingly.

SEC. 3. *And be it further enacted*, That every person having, or keeping, a carriage or carriages, upon which a duty or duties shall be payable, according to this act, shall yearly, and in every year, in the month of January, make and subscribe a true and exact entry of each and every such carriage, therein specifying, distinctly, each carriage owned or kept by him or her, for his or her use, or for hire, with the description and denomination thereof, and the rate of duty to which each and every such carriage is liable; which entry shall be lodged with the collector appointed by virtue of the act, entitled "An act for the assessment and collection of direct taxes and internal duties," for the district in which such owner or person liable for the payment of such duty shall reside. And that it shall be the duty of the collectors aforesaid, to attend within the month of January in each year, at one or more of the most public and convenient places in each county within their respective districts, and to give public notice, at least ten days previous to such day, of the time and place of such attendance, and to receive such entry, made in the manner before directed, at such place, or at any other where he may happen to be, within the said month of January, and on tender and payment being made of the duty or duties therein mentioned, to grant a certificate for each and every carriage mentioned in such entry, therein specifying the name of the owner, the description and denomination of the carriage, and the sum paid, with the time when, and the period for which such duty shall be so paid: And the forms of the certificates to be so granted shall be prescribed by the Treasury Department; and such certificates, or the acknowledgments of the collector aforesaid by a credit in his public accounts, shall be the only evidence to be exhibited and admitted, that any duty imposed by this act has been discharged: *Provided nevertheless*, That no certificate shall be deemed of validity any longer than while the carriage for which the said certificate was granted, is owned by the person mentioned in such certificate, unless such certificate shall be produced to the collector by whom it was granted, and an entry shall be thereon made, specifying the name of the then owner of such carriage, and the time when he or she became possessed of the same.

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SEC. 4. *And be it further enacted*, That any and all persons who shall commence the having or keeping of any carriage subject to duties after the month of December, shall and may, at any time during the month in which they shall so commence the having or keeping of such carriage, make like entry in manner before prescribed; and on payment of such proportion of the duties laid by this act, on such carriage, as the time at which he shall commence the keeping of such carriage to the end of the month of December then next ensuing shall bear to the whole year, shall be entitled to and may demand like certificates, subject, nevertheless, to the conditions before and hereinafter provided.

SEC. 5. *And be it further enacted*, That any person having or keeping any carriage subject to duty, who shall make an untrue or defective entry, to evade the whole or any part of the duty justly and truly payable according to this act, shall lose the sum paid pursuant to such untrue or defective entry; and where such untrue or defective entry hath been made, or where no entry shall be made, or where there shall be a neglect of payment after entry, such person shall moreover, in addition thereto, at any time thereafter, on personal application and demand, at the house, dwelling, or usual place of abode of such person, by the proper collector, be liable, and shall pay the duties by this act imposed, with a further sum, for the benefit of such officer, of twenty-five per centum; which duties, with the said addition, shall be collected by distress and sale of the goods and chattels of the person by whom the same shall be due and payable: *Provided always*, That such application and demand shall not be made until sixty days after the day on which any duty shall commence: and if entry and payment shall be made within the said sixty days, the owner of the carriage shall be exempted from the payment of the said sum of twenty-five per centum.

SEC. 6. *And be it further enacted*, That in all cases where any duty shall be collected pursuant to this act, whether by distress or otherwise, certificates shall be granted for each carriage in manner as before prescribed.

SEC. 7. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and for one year thereafter, and no longer.

Approved, July 24, 1813.

An Act laying duties on licenses to distillers of spirituous liquors.

*Be it enacted, &c.*, That every person who, on the first day of January next, shall be the owner of any still or stills or other implements in lieu of stills, used for the purpose of distilling spirituous liquors, or who shall have such still or stills, or implements as aforesaid, under his superintendence, either as agent for the owner, or on his own account, shall before the said day, and every person who after the said day shall use or

intend to use any still or stills, or implements as aforesaid, either as owner, agent, or otherwise, shall, before he shall begin to use such still or stills, or other implements in lieu thereof, for the purpose of distilling spirituous liquors, apply for and obtain from the collector appointed by virtue of the act, entitled "An act for the assessment and collection of direct taxes and internal duties," for the collection district in which such person resides (or to the deputy of such collector duly authorized) a license for using the said still or stills, or other implements as aforesaid; which licenses respectively shall be granted at the option of the proprietor or possessor of such still or stills for any or either of the terms mentioned in this act, upon the payment in money by such proprietor or possessor of the duties payable on the said license or licenses according to the provisions of this act, if the said duties shall not exceed five dollars; and if they shall exceed five dollars, on such proprietor or possessor executing and delivering to the collector or to his deputy as aforesaid, a bond with one or more sureties to the satisfaction of such collector or deputy, conditioned for the payment of said duties at the end of four months after the expiration of the term for which such license or licenses respectively shall have been granted. And the said bond shall be taken in the name of the United States of America, and in such form as shall be prescribed by the Treasury Department. And if any person shall, after the said first day of January next, use, or cause to be used, any still or stills, or other implements as aforesaid, in distilling spirituous liquors, or shall be the owner of, or have under his superintendence, either as agent or otherwise, any still or stills, or other implements as aforesaid, which shall after the said day have been used as aforesaid, without having a license therefor as aforesaid, continuing in force for the whole time during which the said still or stills, or implements as aforesaid, shall have been thus used, every such person shall forfeit and pay the sum of one hundred dollars, together with double the amount of duties which would have been payable for the term during which such still or stills, or implements as aforesaid, shall be thus used, had the said still or stills, or implements aforesaid been entered according to the provisions of this act, to be recovered with costs of suit.

SEC. 2. *And be it further enacted*, That the licenses aforesaid shall and may be granted for and during the following terms or periods, and on the payment or securing of payment as aforesaid of the duties undermentioned, namely:

For a still or stills employed in distilling spirits from domestic materials, for a license for the employment thereof for and during the term of two weeks, nine cents for each gallon of the capacity of every such still, including the head thereof; for a license for and during the term of one month, eighteen cents for each gallon of its capacity as aforesaid; for a license for and during the term of two months, thirty-two cents for each gallon of its capacity as aforesaid; for a license

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for and during the term of three months, forty-two cents for each gallon of its capacity as aforesaid; for a license for and during the term of four months, fifty-two cents for each gallon of its capacity as aforesaid; for a license for and during the term of six months, seventy cents for each gallon of its capacity as aforesaid; for a license for one year, one hundred and eight cents for each gallon of its capacity as aforesaid: *Provided*, That there shall be paid upon each still employed wholly in the distillation of roots, but one-half the rates of duties above mentioned, according to the capacity of such still.

For a still or stills employed in distilling spirits from foreign materials, for a license for the employment thereof for and during the term of one month, twenty-five cents for each gallon of the capacity of every such still, including the head thereof; for a license for and during the term of three months, sixty cents for each gallon of its capacity as aforesaid; for a license for and during the term of six months, one hundred and five cents for each gallon of its capacity as aforesaid; for a license for one year, one hundred and thirty-five cents for each gallon of its capacity as aforesaid.

And for every boiler, however constructed, employed for the purpose of generating steam in those distilleries where wooden or other vessels are used instead of metal stills, and the action of steam is substituted to the immediate application of fire to the materials from which the spirituous liquors are distilled, for a license for the employment thereof, double the amount on each gallon of the capacity of the said boiler, including the head thereof, which would be payable for the said license if granted for the same term and for the employment on the same materials of a still, or stills, to the contents of which, being the materials from whence the spirituous liquors are drawn, an immediate application of fire during the process of distillation is made.

SEC. 3. *And be it further enacted*, That it shall be the duty of the collectors, within their respective districts, to grant licenses for distilling, which licenses shall be marked with a mark directing the rate of duty thereupon, and shall be signed by the commissioner of the revenue, and, being countersigned by the collector who shall issue the same or cause the same to be issued, shall be granted to any person who shall desire the same, upon application in writing and upon payment or securing of payment as aforesaid, of the sum or duty payable by this act upon each license requested.

SEC. 4. *And be it further enacted*, That the application, in writing, to be made by any person applying for a license for distilling as aforesaid, shall state the place of distilling, the number and contents of the still or stills, boiler or boilers, and whether intended to distil spirituous liquors from foreign or domestic materials. And every person making a false statement in either of the said particulars, or who shall distil spirituous liquors from materials other than those stated in the application aforesaid, as well as the owner or superin-

tendent of any distillery, still, or stills, with respect to which such false statement shall have been made, or which shall be thus unlawfully employed, shall forfeit and pay the sum of one hundred and fifty dollars, to be recovered with costs of suit.

SEC. 5. *And be it further enacted*, That every such collector or his deputy, duly authorized under his hand and seal, shall be authorized to apply, at all reasonable times, for admittance into any distillery or place where any still or stills are kept or used within his collection district, for the purpose of examining and measuring the said still or stills, boiler or boilers. And every owner of such distillery, still, or stills, or person having the care, superintendence, or management of the same, who shall refuse to admit such officer as aforesaid, or to suffer him to examine and measure the said still or stills, boiler or boilers, shall for every such refusal forfeit and pay the sum of five hundred dollars.

SEC. 6. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act. And all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States, or of the collector within whose district any such fine, penalty, or forfeiture shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who, if a collector, shall first discover, if other than a collector shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture shall have been incurred; and, where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the State, holden within the said district, having jurisdiction in like cases.

SEC. 7. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with Great Britain and Ireland and their dependencies, and for one year thereafter, and no longer.

Approved, July 24, 1813.

An Act laying duties on sales at auction of merchandise and of ships and vessels.

*Be it enacted, &c.* That, from and after the first day of January next, there shall be levied, collected, and paid, for the use of the United States, upon all sales by way of auction, as hereinafter described, which shall be made within the United States, the respective rates and duties following, to wit: The sum of one dollar for every hundred

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dollars of the purchase money arising by sale at auction of goods, wares, and merchandise; and the sum of twenty-five cents for every hundred dollars of the purchase money arising by sale at auction of ships or vessels; and at the same rate for any greater or lesser sum, except as herein-after excepted; the said respective rates and duties to be paid, by the auctioneer or person making such sales at auction, out of the moneys arising from each and every such sale: *Provided, always,* That nothing in this act contained shall extend to any sale or sales by auction of goods, wares, and merchandise, made pursuant to or in execution of any rule, order, decree, sentence, or judgment of any court of the United States, or either of them, or made in virtue of or by force of any distress for rent, or other cause for which a distress is allowed by law; or made in consequence of any bankruptcy or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects for the benefit of creditors; or made by or on behalf of executors or administrators; or made pursuant to the directions of any law of the United States, or either of them, touching the collection of any tax or duty, or disposal by auction of public property of the United States or of any State; nor to any such sale or sales by auction of ships, their tackle, apparel, and furniture, or the cargoes thereof, which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

Sec. 2. *And be it further enacted,* That no person, after the first day of January next, shall exercise the trade or business of an auctioneer, by the selling of any goods, wares, and merchandise whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license or other special authority continuing in force pursuant to some law of a State, or issued pursuant to the directions of this act, on pain of forfeiting for every such sale at auction the sum of four hundred dollars, together with the sums or duties payable by this act upon the goods, wares, and merchandise so sold: *Provided, however,* That nothing herein contained shall be construed to require a license for the sale at auction of any estate, goods, chattels, or other thing, which by this act are not made liable to duty or exempted from duty.

Sec. 3. *And be it further enacted,* That every person who, before the said first day of January next, shall have a license or special authority, pursuant to any law of any State, for exercising the said trade or business of an auctioneer, shall, before or upon the said day, and every person who, after the said day, shall have such special license or authority, shall, within thirty days after the obtaining or receiving of the same, give notice thereof in writing, under his hand, to the collector appointed by virtue of the act, entitled "An act for the assessment and collection of direct taxes and internal duties," for the district where such person shall carry on or intend to carry on

the said trade or business of an auctioneer, specifying in such notice the date or commencement of such license or other special authority, the term for which the same was granted or given, by whom, and by what law of a State the same was granted or given; and shall also give bond to the United States in a sum not less than one thousand nor more than three thousand dollars, at the discretion of the collector, to be taken by the collector to whom the notice aforesaid shall be given, with condition that he will, on the first day of April, July, October, and January in each year, while he shall continue to exercise the said trade or business, render to the person or persons who, on behalf the United States, shall be authorized to receive the same, a true and particular account in writing of the moneys or sums for which any goods, wares, and merchandise, made liable to duty by this act, have been sold at every sale at auction by him made, and of the several articles, lots, and parcels which shall have sold, the price of each article, lot, or parcel, in every such sale, by whom bought, that is to say; first, from the date of such bond until such of the aforesaid days as shall accrue next thereafter, and thenceforth, from the day to which an account shall have been last rendered, until such of the said days as shall next thereafter ensue, and so on in succession, from one of the said days to another, so long as he shall continue to exercise his said trade or business; and also, shall pay all such sums of money as shall be due to the United States, upon the said sales, according to the true intent and meaning of this act; which sums he is hereby authorized and directed to retain out of the produce of each sale made as aforesaid. And a like notice and bond shall be given, in like manner, as often as any such license or special authorities shall have expired and been renewed. And if any person shall, after the said first day of January next, by virtue or color of any such license or special authority as aforesaid, make any sale or sales at auction without having given bond as aforesaid, within the time for that purpose prescribed, or without renewing such bond upon the expiration and renewal of any such license or special authority, he shall forfeit and pay, for every such sale by him made, the sum of four hundred dollars, together with the sums or duties payable by this act upon the goods, wares, and merchandise so sold.

Sec. 4. *And be it further enacted,* That the several collectors aforesaid may, within their respective districts, and, upon request of any person or persons desirous thereof, shall, grant licenses without fee or reward for a term not exceeding one year, at one time, to exercise the trade or business of an auctioneer; and such licenses, upon like request, may and shall from time to time renew: *Provided, however,* That no such license shall be granted or renewed, until the person or persons requesting the same shall have become bound to the United States, with one or more sureties, to the satisfaction of the collector of whom such license shall be requested, in the sum of not more than three thousand nor less than one thou-

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sand dollars, at the discretion of the collector, with like condition as is hereinbefore prescribed for persons having licenses by virtue of some law of a State: *And provided further*, That no such license shall be granted to carry on the said trade or business in any city, town, or county of any State, in respect to which provision hath been made by any law of such State, for the allowing and regulating of the said trade and business therein.

SEC. 5. *And be it further enacted*, That every person who shall have a license from a collector as aforesaid, continuing in force, shall and may retain, in order to the payment of the duties hereby imposed, all such sum and sums of money as shall be due and payable upon any goods, wares, and merchandise by him sold at auction as aforesaid, according to the true intent and meaning of this act.

SEC. 6. *And be it further enacted*, That the accounts to be rendered and duties to be from time to time paid as aforesaid, by any auctioneer, shall be rendered and paid to the collector aforesaid, within whose district such auctioneer shall exercise his said trade or business, or to his deputy duly appointed under his hand and seal, and such auctioneer shall make oath or affirmation, according to the best of his knowledge and belief, to the truth of every account which he shall render before the officer or person to whom such account shall be rendered, and who is hereby authorized to administer the said oath or affirmation, in default of which such account shall not be deemed to be duly rendered, according to the condition of the bond of such auctioneer; and to the end that such accounts may be accurately kept and rendered, it is hereby made the duty of every auctioneer to enter, from day to day, as often as any sale shall be made, in a book, or on a paper to be kept by him for that purpose, the amount and particulars of the respective sales by him made; which book or paper shall at all reasonable times, upon request made, be submitted for examination to the collector aforesaid, within whose district such auctioneer shall be, on pain of forfeiting, for every refusal to comply with such request, the sum of five hundred dollars.

SEC. 7. *And be it further enacted*, That if it shall appear to the satisfaction of the collector, within whose district he shall be, that an auctioneer hath acted agreeably to the condition of the bond which he shall have given, and to the directions of this act, during the time to which his said bond shall relate, the same having expired, then, and in every such case, the said collector shall cause such bond to be delivered up; but in case no such account shall be delivered as hereinbefore mentioned, or if it shall appear that any such account was not truly made, or that the party hath acted, in any other respect, contrary to the true intent and meaning of his bond and of this act, it shall be the duty of such collector as aforesaid to cause such bond to be prosecuted according to law; and in case of a verdict or judgment against the defendant, he shall afterwards, upon every sale by him of any goods, wares, and mer-

chandise, at auction, be liable to all the penalties which may be incurred by this act, for acting as an auctioneer without license.

SEC. 8. *And be it further enacted*, That every auctioneer, out of the proceeds of the duties which he shall retain and pay as aforesaid, shall be allowed a compensation of one per centum upon the amount thereof, for his trouble in and about the same.

SEC. 9. *And be it further enacted*, That if any person shall wilfully swear or affirm falsely touching any matter hereinbefore required to be verified by oath or affirmation, he shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury, and if an officer, shall forfeit his office and be incapable of afterwards holding any office under the United States.

SEC. 10. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized, to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act. And all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States, or of the collector within whose district any such fine, penalty, or forfeiture, shall have been incurred, by bill, plaint, or affirmation, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who, if a collector, shall first discover, if other than a collector shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture, shall have been incurred; and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court, within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the State, holden within the said district, having jurisdiction in like cases.

SEC. 11. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and for one year thereafter, and no longer.

Approved, July 24, 1813.

An Act to authorize the raising a corps of sea fencibles.

*Be it enacted, &c.*, That the President of the United States be and he is hereby authorized to raise, for such a term as he may think proper, not exceeding one year, as many companies of sea fencibles as he may deem necessary, not exceeding ten, who may be employed as well on land as on water, for the defence of the ports and harbors of the United States.

SEC. 2. *And be it further enacted*, That each of the said companies of sea fencibles shall consist of one captain, one first, one second, one third lieutenant, one boatswain, six gunners, six quarter gunners, and ninety men.



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SEC. 3. *And be it further enacted*, That the commissioned officers shall receive the same pay and rations as officers of the same grade in the Army of the United States; that the boatswains, gunners, quarter gunners, and men shall receive the same pay and rations as warrant officers of the same grade and able seamen receive in the service of the United States.

SEC. 4. *And be it further enacted*, That the officers, warrant officers, boatswains, and men, raised pursuant to this act, shall be entitled to the like compensation in case of disability incurred by wounds or otherwise in the service of the United States, as officers, warrant officers, and seamen in the present naval establishment, and shall be subject to the rules and articles which have been or may hereafter be established by law, for the government of the Army of the United States.

SEC. 5. *And be it further enacted*, That this act shall be and continue in force during the present war between the United States of America and their territories, and the United Kingdom of Great Britain and Ireland, and the dependencies thereof.

SEC. 6. *And be it further enacted*, That, in the recess of the Senate, the President of the United States is hereby authorized to appoint all the officers proper to be appointed under this act, which appointments shall be submitted to the Senate at their next session for their advice and consent.

SEC. 7. *And be it further enacted*, That the sum of two hundred thousand dollars be and the same is hereby appropriated, to carry this act into effect, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, July 26, 1813.

An Act making an appropriation for finishing the Senate Chamber and repairing the roof of the north wing of the Capitol.

*Be it enacted, &c.*, That a sum not exceeding nine thousand five hundred dollars be and the same is hereby appropriated, to be applied under the direction of the President of the United States, to finishing the Senate Chamber, and repairing the roof of the north wing of the Capitol; which sum shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, July 26, 1813.

An Act providing for the accommodation of the household of the President of the United States.

*Be it enacted, &c.*, That the President of the United States be and he is hereby authorized to cause to be sold, such part of the furniture and equipage belonging to his household, as may be decayed and out of repair, and that the sum of fourteen thousand dollars, together with the proceeds of such sales, be appropriated for the accommodation of the household of the President of the United States, to be laid out at his discretion and under his direction.

Approved, July 26, 1813.

An Act fixing the time for the next meeting of Congress.

*Be it enacted, &c.*, That, after the adjournment of the present session, the next meeting of Congress shall be on the first Monday in December next.

Approved, July 27, 1813.

An Act to authorize the transportation of certain documents free of postage.

*Be it enacted, &c.*, That the members of Congress, the Secretary of the Senate, and Clerk of the House of Representatives be and they are hereby respectively authorized to transmit, free of postage, the Message of the President of the United States of the twelfth day of July, one thousand eight hundred and thirteen, and the documents accompanying the same, printed by order of the Senate and by order of the House of Representatives, and the report of the Committee of Foreign Relations on the same, printed by order of the House of Representatives, to any post office within the United States and the territories thereof to which they may direct, any law to the contrary notwithstanding.

Approved, July 28, 1813.

An Act for the relief of the ships called the Good Friends, the Amazon, and the United States, and their cargoes; and also of Henry Bryce.

*Be it enacted, &c.*, That the owners of the ships called the Good Friends, the Amazon, and the United States, and of the cargoes on board said vessels, which vessels arrived in the month of April, one thousand eight hundred and twelve, in the district of Delaware, from Amelia Island, with cargoes that were shipped on board said vessels in the United Kingdom of Great Britain and Ireland, shall be entitled to, and may avail themselves of all the benefits, privileges, and provisions of the act, entitled "An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases," passed on the second day of January last past, in like manner and on the same conditions as though said vessels had departed from the Kingdom aforesaid between the twenty-third day of June and the fifteenth day of September mentioned in said act, and had arrived within the United States after the first day of July last.

SEC. 2. *And be it further enacted*, That Henry Bryce of Charleston, South Carolina, who imported certain goods, wares, and merchandise, in the ship *Fernandina*, into the district of South Carolina from Amelia Island, in the month of May, one thousand eight hundred and twelve, shall be entitled to, and may avail himself of all the benefits, privileges, and provisions of the act, entitled "An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases," passed on the second day of January last past, in like manner and on the same conditions as though the said vessel had departed from the Kingdom of Great Britain between the twenty-third day of June and the fifteenth day of

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September, mentioned in said act, and had arrived within the United States after the first day of July last.

Approved, July 29, 1813.

An Act laying a duty on imported salt; granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries.

*Be it enacted, &c., That, from and after the first day of January next, a duty of twenty cents per bushel shall be laid, imposed, and collected, upon all salt imported from any foreign port or place into the United States. In calculating the said duty, every fifty-six pounds of salt shall be computed as equal to one bushel. And the said duty shall be collected in the same manner, and under the same regulations, as the other duties laid on the importation of foreign goods, wares, and merchandise, into the United States: Provided, That drawback shall in no case be allowed, and term of credit for the payment of duties shall be nine months.*

*Sec. 2. And be it further enacted, That, on all pickled fish of the fisheries of the United States, exported therefrom subsequent to the last day of December, one thousand eight hundred and fourteen, there shall be allowed and paid a bounty of twenty cents per barrel, to be paid by the collector of the district from which the same shall be so exported, without any deduction or abatement: Provided always, That, in order to entitle the exporter or exporters of such pickled fish to the benefit of such bounty or allowance, the said exporter or exporters shall make entry with the collector and naval officer of the district from whence the said pickled fish are intended to be exported; and shall specify in such entry the names of the master and vessel in which, and the place where, such fish are intended to be exported, together with the particular quantity; and proof shall be made to the satisfaction of the collector of the district from which such pickled fish are intended to be exported, and of the naval officer thereof, if any, that the same are of the fisheries of the United States; and no entry shall be received as aforesaid, of any pickled fish which have not been inspected and marked pursuant to the inspection laws of the respective States where inspection laws are in force, in regard to any pickled fish, and the casks containing such fish shall be branded with the words "for bounty," with the name of the inspector or packer, the species and quality of the fish contained therein, and the name of the port of exportation; and the collector of such district shall, together with the naval officer, where there is one, grant an order or permit for an inspector to examine the pickled fish as expressed in such entry, and if they correspond therewith, and the said officer is fully satisfied that they are of the fisheries of the United States, to lade the same agreeably to such entry, on board the ship or vessel therein expressed; which lading shall be performed under the superintendence of the officer examining the same, who shall make returns of the quantity and*

*quality of pickled fish so laden on board, in virtue of such order or permit, to the officer or officers granting the same. And the said exporter or exporters, when the lading is completed, and after returns thereof have been made as above directed, shall make oath, or affirmation, that the pickled fish expressed in such entry, and then actually laden on board the ship or vessel as therein expressed, are truly and bona fide of the fisheries of the United States, that they are truly intended to be exported as therein specified, and are not intended to be relanded within the limits of the United States; and shall also give bond in double the amount of the bounty or allowance to be received, with one or more sureties to the satisfaction of the collector of the port or place from which the said pickled fish are intended to be exported, conditioned that the same shall be landed and left at some foreign port or place without the limits aforesaid; which bonds shall be cancelled at the same periods and in like manner as is provided in respect to bonds given on the exportation of goods, wares, and merchandise, entitled to drawback of duties: Provided always, That the said bounty or allowance shall not be paid until at least six months after the exportation of such pickled fish, to be computed from the date of the bond, and until the exporter or exporters thereof shall produce to the collector with whom such outward entry is made, such certificates or other satisfactory proof of the landing of the same as aforesaid, as is made necessary for cancelling the bonds given on the exportation of goods entitled to drawback: And provided also, That the bounty or allowance as aforesaid, shall not be paid unless the same shall amount to ten dollars at least upon each entry.*

*Sec. 3. And be it further enacted, That no bounty, drawback, or allowance, shall be made under the authority of this act, unless it shall be proved to the satisfaction of the collector that the pickled fish for which the bounty, drawback, or allowance, shall be claimed, was wholly cured with foreign salt, and on which a duty shall have been secured or paid.*

*Sec. 4. And be it further enacted, That if any pickled fish shall be falsely or fraudulently entered with intent to obtain the bounty or allowance on their exportation as here provided, when the said fish are not entitled to the same, the said fish, or the value thereof, to be recovered of the person making such false entry, shall be forfeited.*

*Sec. 5. And be it further enacted, That, from and after the last day of December, one thousand eight hundred and fourteen, there shall be paid, on the last day of December, annually, to the owner of every vessel, or his agent, by the collector of the district where such vessel may be long, that shall be qualified agreeably to law for carrying on the bank and other codfisheries, and that shall actually have been employed therein at sea for the term of four months, at the least, of the fishing season next preceding, which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such vessel's burden,*

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according to her admeasurement, as licensed or enrolled, if of twenty tons, and not exceeding thirty tons, two dollars and forty cents; and if above thirty tons, four dollars; of which allowance, aforesaid, three-eighths parts shall accrue and belong to the owner of such fishing vessel, and the other five-eighths thereof shall be divided by him, his agent, or lawful representative, to and among the several fishermen, who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided*, That the allowance, aforesaid, on any one vessel for one season, shall not exceed two hundred and seventy-two dollars.

SEC. 6. *And be it further enacted*, That, from and after the last day of December, one thousand eight hundred and fourteen, there shall also be paid on the last day of December, annually, to the owner of every fishing boat or vessel of more than five tons, and less than twenty tons, or to his agent, or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar and sixty cents upon every ton admeasurement of such boat or vessel, which allowance shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall, accordingly, be so divided among all persons interested therein: *Provided, however*, That this allowance shall be made only to such boats or vessels as shall have been actually employed at sea in the codfishery, for the term of four months, at the least, of the preceding season: *And provided, also*, That such boat or vessel shall have landed, in the course of said preceding season, a quantity of fish not less than twelve quintals for every ton of her admeasurement; the said quantity of fish to be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery, when actually sold, which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth, and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall, in all cases, be produced and sworn or affirmed to before the said collector of the district, in order to entitle the owner, his agent, or lawful representative, to receive the allowances aforesaid. And if, at any time within one year after payment of such allowance, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such allowance shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise, the owner or owners, having practised such fraud or deceit, shall forfeit and pay one hundred dollars, to be sued for, recovered, and distributed in the same manner as forfeitures and penalties are to be sued for, recovered and distributed for any breach of the

act, entitled "An act to regulate the collection of duties on imports and tonnage."

SEC. 7. *And be it further enacted*, That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agent, or lawful representative, shall, previous to receiving the allowance made by this act, produce to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is hereinbefore required, and, also, a certificate, to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares she may have made in the preceding fishing season, to the truth of which he or they shall swear or affirm before the collector aforesaid.

SEC. 8. *And be it further enacted*, That no ship or vessel of twenty tons or upwards, employed as aforesaid, shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement in writing, or in print, with every fisherman employed therein according to the provisions of the act, entitled "An act for the government of persons in certain fisheries."

SEC. 9. *And be it further enacted*, That any person who shall make any false declaration in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States having jurisdiction of such offence, shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly.

SEC. 10. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and for one year thereafter and no longer.

Approved, July 29, 1813.

An Act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization.

*Be it enacted, &c.*, That persons resident within the United States, or the territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had, before that day, made a declaration, according to law, of their intentions to become citizens of the United States, or who, by the existing laws of the United States, were on that day entitled to become citizens, without making such declaration, may be admitted to become citizens thereof, notwithstanding they shall be alien enemies, at the times and in the manner prescribed by the laws heretofore passed on that subject: *Provided*, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Approved, July 30, 1813.

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An Act to lay and collect a direct tax within the United States.

*Be it enacted, &c.,* That a direct tax of three millions of dollars shall be, and is hereby, laid upon the United States, and apportioned to the States respectively, in the manner following:

To the State of New Hampshire, ninety-six thousand seven hundred ninety-three dollars and thirty-seven cents.

To the State of Massachusetts, three hundred sixteen thousand two hundred seventy dollars and ninety-eight cents.

To the State of Rhode Island, thirty-four thousand seven hundred two dollars and eighteen cents.

To the State of Connecticut, one hundred eighteen thousand one hundred sixty-seven dollars and seventy one cents.

To the State of Vermont, ninety-eight thousand three hundred forty-three dollars and seventy-one cents.

To the State of New York, four hundred thirty thousand one hundred forty-one dollars and sixty-two cents.

To the State of New Jersey, one hundred eight thousand eight hundred seventy-one dollars and eighty-three cents.

To the State of Pennsylvania, three hundred sixty-five thousand four hundred seventy-nine dollars and sixteen cents.

To the State of Delaware, thirty-two thousand sixty-six dollars and twenty-five cents.

To the State of Maryland, one hundred fifty-one thousand six hundred twenty-three dollars and ninety-four cents.

To the State of Virginia, three hundred sixty-nine thousand eighteen dollars and forty-four cents.

To the State of Kentucky, one hundred sixty-eight thousand nine hundred twenty-eight dollars and seventy-six cents.

To the State of Ohio, one hundred four thousand one hundred fifty dollars and fourteen cents.

To the State of North Carolina, two hundred twenty thousand two hundred thirty-eight dollars and twenty-eight cents.

To the State of Tennessee, one hundred ten thousand eighty-six dollars and fifty-five cents.

To the State of South Carolina, one hundred fifty-one thousand nine hundred five dollars and forty-eight cents.

To the State of Georgia, ninety-four thousand nine hundred thirty-six dollars and forty-nine cents.

And to the State of Louisiana, twenty-eight thousand two hundred ninety-five dollars and eleven cents.

SEC. 2. *And be it further enacted,* That the quotas or portions payable by the States respectively, shall be laid and apportioned on the several counties and State districts of the said States, as defined with respect to the boundaries of the said counties and State districts, by an act, entitled "An act for the assessment and collection of direct taxes and internal duties," in the manner following:

*In the State of New Hampshire.*—On the

county of Rockingham, twenty-five thousand two hundred ninety-eight dollars and eighty-nine cents.

On the county of Strafford, seventeen thousand six hundred ninety-eight dollars and sixty-six cents.

On the county of Hillsborough, twenty thousand two hundred nineteen dollars and sixteen cents.

On the county of Cheshire, nineteen thousand three hundred eighteen dollars and three cents.

On the county of Grafton, eleven thousand nine hundred ten dollars and forty-three cents.

And on the county of Coos, two thousand three hundred forty-eight dollars and twenty cents.

*In the State of Massachusetts.*—On the county of Washington, two thousand six hundred twenty-three dollars and fifty-nine cents.

On the county of Hancock, nine thousand one hundred ninety dollars and sixty-five cents.

On the county of Lincoln, thirteen thousand six hundred seventy-two dollars.

On the county of Kennebeck, nine thousand six hundred ninety-six dollars and fifty-two cents.

On the county of Somerset, three thousand five hundred four dollars and sixty-three cents.

On the county of Oxford, five thousand five hundred fifty-nine dollars and sixty cents.

On the county of Cumberland, fifteen thousand seven hundred eighty-seven dollars and ninety-nine cents.

On the county of York, fourteen thousand one hundred seventy-five dollars and three cents.

On the county of Essex, forty-one thousand six hundred forty-three dollars and one cent.

On the county of Middlesex, twenty-six thousand four hundred thirty-three dollars and forty-five cents.

On the county of Suffolk, forty-three thousand six hundred seventy-six dollars and eighty-three cents.

On the county of Norfolk, fifteen thousand six hundred twenty-nine dollars and eighty-eight cents.

On the county of Plymouth, fourteen thousand four hundred seventy-eight dollars and sixty-seven cents.

On the county of Bristol, fourteen thousand four hundred sixty-nine dollars and sixteen cents.

On the county of Barnstable, six thousand five hundred fifty-three dollars.

On the county of Dukes, one thousand one hundred seventy-three dollars and thirty-three cents.

On the county of Nantucket, four thousand nine hundred twenty-four dollars and thirty-one cents.

On the county of Worcester, thirty thousand one hundred seventy-one dollars and seventy-one cents.

On the counties of Hampshire, Franklin, and Hampden, twenty-nine thousand six hundred thirty-four dollars and five cents.

And on the county of Berkshire, thirteen thou-

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sand two hundred seventy-three dollars and fifty-seven cents.

*In the State of Vermont.*—On the county of Windham, eleven thousand eight hundred sixty-seven dollars and eighty-five cents.

On the county of Windsor, fifteen thousand five hundred forty-two dollars and thirty-two cents.

On the county of Orange, eleven thousand seven hundred eighty-four dollars and five cents.

On the county of Caledonia, seven thousand six hundred forty-three dollars and eighty-four cents.

On the county of Orleans, two thousand one hundred twenty-eight dollars and ten cents.

On the county of Essex, one thousand one hundred ninety-seven dollars and ninety-six cents.

On the county of Bennington, eight thousand three hundred ninety dollars and twelve cents.

On the county of Rutland, fourteen thousand thirty-six dollars and eighty-nine cents.

On the county of Addison, ten thousand seventy-nine dollars and eleven cents.

On the county of Grand Isle, one thousand five hundred fifty-three dollars and thirty-seven cents.

On the county of Franklin, five thousand eight hundred ninety dollars and forty cents.

And on the county of Chittenden, eight thousand two hundred twenty-nine dollars and seventy cents.

*In the State of Rhode Island.*—On the county of Providence, fourteen thousand five hundred sixty dollars.

On the county of Newport, eight thousand fifty-six dollars.

On the county of Washington, five thousand three hundred ninety-four dollars.

On the county of Kent, four thousand two hundred ninety-five dollars.

And on the county of Bristol, two thousand three hundred ninety-five dollars and eighteen cents.

*In the State of Connecticut.*—On the county of Litchfield, nineteen thousand sixty-five dollars and seventy-two cents.

On the county of Fairfield, eighteen thousand eight hundred ten dollars and fifty-six cents.

On the county of New Haven, sixteen thousand seven hundred twenty-three dollars and ten cents.

On the county of Harford, nineteen thousand six hundred three dollars and two cents.

On the county of New London, thirteen thousand three hundred ninety-two dollars and four cents.

On the county of Middlesex, nine thousand sixty-four dollars and twenty cents.

On the county of Windham, fourteen thousand five hundred twenty-four dollars and thirty-eight cents.

And on the county of Tolland, six thousand nine hundred eighty-four dollars and sixty-nine cents.

*In the State of New York.*—On the county of Suffolk, nine thousand thirty dollars.

On Queens county, nine thousand two hundred fifty dollars.

On Kings county, six thousand nine hundred thirty dollars.

On the city and county of New York, one hundred nine thousand two hundred thirty dollars.

On the county of Westchester, thirteen thousand one hundred twenty dollars.

On the county of Dutchess, twenty-four thousand one hundred forty dollars.

On the county of Orange, fifteen thousand dollars.

On the county of Rockland, two thousand six hundred eighty dollars.

On the county of Ulster, ten thousand six hundred seventy dollars.

On the county of Sullivan, two thousand four hundred fifty dollars.

On the county of Schoharie, five thousand six hundred ninety dollars.

On the county of Columbia, fourteen thousand six hundred dollars.

On the county of Rensselaer, fifteen thousand one hundred ninety dollars.

On the county of Washington, fifteen thousand six hundred fifty-one dollars sixty-two cents.

On the county of Saratoga, nine thousand eight hundred thirty dollars.

On the county of Essex, two thousand seven hundred dollars.

On the county of Clinton, two thousand two hundred eighty dollars.

On the county of Franklin, seven hundred seventy dollars.

On the county of Albany, nineteen thousand four hundred twenty dollars.

On the county of Schenectady, four thousand one hundred dollars.

On the county of Montgomery, sixteen thousand four hundred twenty dollars.

On the county of Herkimer, seven thousand ninety dollars.

On the county of Oneida, thirteen thousand three hundred dollars.

On the county of Lewis, one thousand nine hundred sixty dollars.

On the county of Jefferson, four thousand six hundred ten dollars.

On the county of St. Lawrence, three thousand dollars.

On the county of Otsego, eleven thousand six hundred ninety dollars.

On the county of Chenango, six thousand one hundred twenty dollars.

On the county of Madison, seven thousand four hundred thirty dollars.

On the county of Tioga, one thousand nine hundred thirty dollars.

On the county of Broome, one thousand nine hundred ninety dollars.

On the county of Steuben, one thousand seven hundred seventy dollars.

On the county of Onandago, seven thousand eight hundred sixty dollars.

On the county of Cortland, two thousand one hundred seventy dollars.

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On the county of Cayuga, nine thousand two hundred ninety dollars.

On the county of Seneca, five thousand dollars.

On the county of Ontario, fourteen thousand two hundred seventy dollars.

On the county of Genesee, four thousand eighty dollars.

On the county of Niagara, three thousand one hundred ninety dollars.

On the county of Allegheny, four hundred seventy dollars.

On the county of Richmond, two thousand two hundred twenty dollars.

On the county of Greene, seven thousand eight hundred fifty dollars.

And on the county of Delaware, five thousand four hundred ninety dollars.

*In the State of New Jersey.*—On the county of Bergen, seven thousand twenty-seven dollars and thirty cents.

On the county of Essex, nine thousand nine hundred nine dollars and eight cents.

On the county of Somerset, seven thousand two hundred thirty-three dollars and twenty-eight cents.

On the county of Middlesex, nine thousand one hundred eighty-two dollars fifty-two cents.

On the county of Sussex, eleven thousand twenty-two dollars and seventy-three cents.

On the county of Morris, eight thousand eight hundred eighteen dollars and twenty-nine cents.

On the county of Hunterdon, twelve thousand two hundred fifty-one dollars and seventy-eight cents.

On the county of Burlington, eleven thousand nine hundred twenty-nine dollars and thirty-six cents.

On the county of Gloucester, eight thousand eight hundred twenty-three dollars and sixty-three cents.

On the county of Monmouth, ten thousand two hundred four dollars and twelve cents.

On the county of Cumberland, four thousand three hundred fifty-seven dollars and sixteen cents.

On the county of Salem, six thousand five hundred twenty-eight dollars and seventeen cents.

On the county of Cape May, one thousand five hundred eighty-four dollars and forty-one cents.

*In the State of Pennsylvania.*—On the city of Philadelphia, seventy-nine thousand five hundred dollars.

On the county of Philadelphia, thirty-eight thousand two hundred thirty dollars.

On the county of Chester, eighteen thousand two hundred seventy dollars.

On the county of Delaware, seven thousand sixty dollars.

On the county of Montgomery, fifteen thousand three hundred dollars.

On the county of Bucks, sixteen thousand six hundred dollars.

On the county of Lancaster, thirty-seven thousand four hundred dollars.

On the county of York, eleven thousand five hundred forty dollars.

On the county of Adams, five thousand four hundred fifty dollars.

On the county of Northampton, eleven thousand one hundred forty dollars.

On the county of Wayne, two thousand six hundred forty dollars.

On the county of Berks, twenty-one thousand five hundred fifty dollars.

On the county of Dauphin, seventeen thousand six hundred fifty dollars.

On the county of Cumberland, ten thousand three hundred dollars.

On the county of Franklin, nine thousand dollars.

On the county of Northumberland, seven thousand five hundred eighty dollars.

On the county of Mifflin, three thousand five hundred dollars.

On the county of Huntingdon, three thousand seventy dollars.

On the county of Bedford, two thousand six hundred ten dollars.

On the county of Somerset, two thousand dollars.

On the county of Cambria, four hundred dollars.

On the county of Fayette, four thousand five hundred dollars.

On the county of Greene, two thousand one hundred thirty dollars.

On the county of Washington, six thousand nine hundred twenty dollars.

On the county of Alleghany, five thousand two hundred ten dollars.

On the county of Armstrong, one thousand two hundred fifty dollars.

On the county of Westmoreland, five thousand four hundred forty dollars.

On the counties of Indiana and Jefferson, one thousand three hundred twenty dollars.

On the county of Centre, three thousand one hundred fifty dollars.

On the counties of Clearfield, Potter, and McKean, three hundred dollars.

On the county of Luzerne, having the same limits as before the formation of the counties of Susquehanna and Bradford, two thousand seven hundred twenty dollars.

On the county of Lycoming, having the same limits as before the formation of the county of Bradford, two thousand five hundred dollars.

On the county of Tioga, three hundred eighty-nine dollars and sixteen cents.

On the county of Mercer, one thousand seven hundred ten dollars.

On the county of Butler, one thousand five hundred dollars.

On the county of Beaver, two thousand five hundred ten dollars.

On the county of Crawford, one thousand two hundred sixty dollars.

On the counties of Venango and Warren, eight hundred dollars.

On the county of Erie, seven hundred eighty dollars.

*In the State of Delaware.*—On the county of



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Newcastle, twelve thousand two hundred eight dollars and eight cents.

On the county of Kent, ten thousand six hundred eighty-two dollars and seven cents.

And on the county of Sussex, nine thousand one hundred fifty-six dollars and six cents.

*In the State of Maryland.*—On the county of Somerset, five thousand five hundred forty dollars.

On the county of Worcester, four thousand nine hundred ten dollars.

On the county of Dorchester, five thousand five hundred ten dollars.

On the county of Talbot, four thousand one hundred forty dollars.

On the county of Queen Anne, five thousand six hundred thirty dollars.

On the county of Caroline, two thousand two hundred fifty dollars.

On the county of Kent, four thousand two hundred thirteen dollars and ninety-four cents.

On the county of Cecil, five thousand nine hundred fifty dollars.

On the county of Harford, five thousand three hundred fifty dollars.

On the city and county of Baltimore, forty-eight thousand six hundred seventy dollars.

On the county of Anne Arundel, nine thousand eight hundred ten dollars.

On the county of Prince George, seven thousand six hundred ninety dollars.

On the county of Calvert, two thousand four hundred ten dollars.

On the county of St. Mary, three thousand nine hundred fifty dollars.

On the county of Charles, six thousand seven hundred forty dollars.

On the county of Montgomery, five thousand one hundred ten dollars.

On the county of Frederick, fourteen thousand one hundred seventy dollars.

On the county of Washington, seven thousand three hundred seventy dollars.

And on the county of Alleghany, two thousand two hundred ten dollars.

*In the State of Virginia.*—On the county of Lee, three hundred forty-seven dollars and fifty cents.

On the county of Washington, one thousand eight hundred ninety-four dollars and fifty cents.

On the county of Grayson, two hundred thirty-three dollars and fifty cents.

On the county of Russell, one thousand three hundred thirty-six dollars.

On the county of Wythe, one thousand five hundred thirty-eight dollars and fifty cents.

On the county of Tazewell, one thousand two hundred sixty-seven dollars.

On the county of Botetourt, three thousand one hundred fourteen dollars and fifty cents.

On the county of Montgomery, one thousand three hundred twelve dollars and fifty cents.

On the county of Giles, five hundred forty dollars and fifty cents.

On the county of Monroe, one thousand thirty dollars and fifty cents.

On the county of Greenbrier, one thousand six hundred fifty dollars and forty-four cents.

On the county of Kenhawa, two thousand one hundred sixty-seven dollars and fifty cents.

On the county of Cabell, one thousand five hundred forty-six dollars and fifty cents.

On the county of Mason, one thousand one hundred thirty dollars and fifty cents.

On the county of Randolph, five thousand four hundred sixty-five dollars and fifty cents.

On the county of Harrison, two thousand six hundred seventy-two dollars and fifty cents.

On the county of Wood, one thousand three hundred thirty-eight dollars and fifty cents.

On the county of Monongalia, two thousand nine hundred ninety-two dollars and fifty cents.

On the county of Ohio, one thousand nine hundred seven dollars and fifty cents.

On the county of Brooke, one thousand one hundred ninety-five dollars and fifty cents.

On the county of Bath, two thousand three hundred five dollars and fifty cents.

On the county of Pendleton, one thousand four hundred twenty-eight dollars and fifty cents.

On the county of Hardy, two thousand one hundred twenty-six dollars and fifty cents.

On the county of Hampshire, three thousand seven hundred ninety-five dollars and fifty cents.

On the county of Rockbridge, three thousand three hundred ninety-one dollars and fifty cents.

On the county of Augusta, six thousand seven hundred thirty-nine dollars and fifty cents.

On the county of Rockingham, six thousand one hundred sixty-two dollars and fifty cents.

On the county of Shenandoah, five thousand nine hundred seventy-eight dollars and fifty cents.

On the county of Frederick, eleven thousand eight hundred seventy-six dollars and fifty cents.

On the county of Berkley and on the county of Jefferson, thirteen thousand twenty-two dollars and fifty cents.

On the county of Bedford, five thousand two hundred thirty-three dollars and fifty cents.

On the county of Patrick, seven hundred seventy dollars and fifty cents.

On the county of Henry, one thousand three hundred four dollars and fifty cents.

On the county of Franklin, two thousand four dollars and fifty cents.

On the county of Campbell, three thousand eight hundred fifty-two dollars and fifty cents.

On the county of Charlotte, four thousand ninety dollars and fifty cents.

On the county of Pittsylvania, four thousand three hundred sixty-three dollars and fifty cents.

On the county of Halifax, six thousand seven hundred eighty-six dollars and fifty cents.

On the county of Mecklenberg, six thousand eight hundred sixty-six dollars and fifty cents.

On the county of Lunenburg, three thousand eight hundred twenty-one dollars and fifty cents.

On the county of Brunswick, four thousand eight hundred seventy-nine dollars and fifty cents.

On the county of Nottoway, four thousand eight hundred twenty-two dollars and fifty cents.

*Public Acts of Congress.*

On the county of Prince Edward, four thousand four hundred fourteen dollars and fifty cents.

On the county of Buckingham, five thousand seven hundred forty-one dollars and fifty cents.

On the county of Cumberland, four thousand seven hundred fifteen dollars and fifty cents.

On the county of Amelia, five thousand two dollars and fifty cents.

On the county of Powhatan, three thousand eight hundred ninety-nine dollars and fifty cents.

On the county of Chesterfield, six thousand four hundred forty dollars and fifty cents.

On the county of Dinwiddie and town of Petersburg, eight thousand one hundred ninety-two dollars and fifty cents.

On the county of Prince George, two thousand nine hundred eighty-eight dollars and fifty cents.

On the county of Greenville, two thousand six hundred thirty-five dollars and fifty cents.

On the county of Sussex, three thousand nine hundred forty-five dollars and fifty cents.

On the county of Southampton, four thousand six hundred fifty-six dollars and fifty cents.

On the county of Surry, two thousand two hundred forty-four dollars and fifty cents.

On the county of Isle of Wight, two thousand six hundred eighty-eight dollars and fifty cents.

On the county of Nansemond, three thousand two hundred three dollars and fifty cents.

On the county and borough of Norfolk, nine thousand eight hundred fifty-seven dollars and fifty cents.

On the county of Princess Anne, two thousand four hundred seventeen dollars and fifty cents.

On the county of Elizabeth City, eight hundred thirty-nine dollars and fifty cents.

On the county of Warwick, eight hundred fifty-five dollars and fifty cents.

On the county of York, one thousand three hundred seventy-three dollars and fifty cents.

On the county of James City, one thousand five hundred thirty-five dollars and fifty cents.

On the county of New Kent, two thousand six hundred eighty-seven dollars and fifty cents.

On the county of Charles City, two thousand one hundred fifty-four dollars and fifty cents.

On the county of Henrico, eight thousand fifty dollars and fifty cents.

On the county of Goochland, four thousand five hundred fifty-five dollars and fifty cents.

On the county of Hanover, six thousand forty-nine dollars and fifty cents.

On the county of Amherst and on the county of Nelson, nine thousand five hundred and thirteen dollars.

On the county of Albemarle, nine thousand four hundred ninety-seven dollars and fifty cents.

On the county of Fluvannah, two thousand one hundred thirty-one dollars and fifty cents.

On the county of Orange, five thousand two hundred six dollars and fifty cents.

On the county of Madison, four thousand two hundred forty-seven dollars and fifty cents.

On the county of Culpepper, eight thousand six hundred ninety-two dollars and fifty cents.

On the county of Fauquier, eight thousand nine hundred forty dollars and fifty cents.

On the county of Prince William, five thousand two hundred forty one dollars and fifty cents.

On the county of Stafford, three thousand five hundred seventy-nine dollars and fifty cents.

On the county of Loudon, eight thousand one hundred thirty dollars and fifty cents.

On the county of Fairfax, six thousand three hundred fifty-four dollars and fifty cents.

On the county of Spottsylvania, six thousand two hundred sixty-two dollars and fifty cents.

On the county of Louisa, four thousand four hundred twenty-five dollars and fifty cents.

On the county of Caroline, seven thousand one hundred four dollars and fifty cents.

On the county of King George, two thousand seven hundred thirty-six dollars and fifty cents.

On the county of Westmoreland, three thousand five hundred and fourteen dollars and fifty cents.

On the county of Richmond, two thousand six hundred twenty-four dollars and fifty cents.

On the county of Northumberland, three thousand sixteen dollars and fifty cents.

On the county of Lancaster, one thousand nine hundred fifty-four dollars and fifty cents.

On the county of King William, three thousand four hundred fifty-four dollars and fifty cents.

On the county of King and Queen, two thousand eight hundred sixty dollars and fifty cents.

On the county of Essex, three thousand three hundred thirty-six dollars and fifty cents.

On the county of Middlesex, one thousand nine hundred forty-one dollars and fifty cents.

On the county of Gloucester, three thousand three hundred ninety-seven dollars and fifty cents.

On the county of Matthews, one thousand six hundred eleven dollars and fifty cents.

On the county of Accomac, five thousand one hundred thirty-nine dollars and fifty cents.

And on the county of Northampton, three thousand one hundred seven dollars and fifty cents.

*In the State of North Carolina.*—On the county of Currituck, two thousand two hundred four dollars and eighty-six cents.

On the county of Camden, two thousand four hundred sixty-two dollars and ninety-five cents.

On the county of Pasquotank, three thousand four hundred ninety-three dollars and ninety-six cents.

On the county of Perquimans, two thousand one hundred seventy dollars and eighty-five cents.

On the county of Gates, two thousand one hundred thirty-four dollars and twenty cents.

On the county of Chowan, two thousand six hundred forty-two dollars and seventy cents.

On the county of Hartford, two thousand nine hundred fifty-six dollars and thirteen cents.

On the county of Bertie, five thousand two hundred sixty-seven dollars and twenty-seven cents.

On the county of Northampton, six thousand seven hundred sixty dollars and eighty-eight cents.

On the county of Halifax, seven thousand seven hundred twenty dollars and ninety-seven cents.

*Public Acts of Congress.*

On the county of Washington, one thousand eight hundred fifty dollars.

On the county of Tyrrel, one thousand three hundred ninety-one dollars and forty-eight cents.

On the county of Hyde, two thousand three hundred eighty-six dollars and sixty-five cents.

On the county of Pitt, three thousand four hundred ninety-six dollars and forty-two cents.

On the county of Edgecombe, six thousand sixty-six dollars and eighty-nine cents.

On the county of Beaufort, two thousand eight hundred twenty-four dollars and sixty-five cents.

On the county of Green, one thousand six hundred forty-five dollars and ninety-four cents.

On the county of Craven, five thousand five hundred fifty-seven dollars and sixty-five cents.

On the county of Carteret, one thousand three hundred seventy-three dollars and twelve cents.

On the county of Jones, two thousand two hundred thirty-three dollars seventy-nine cents.

On the county of Lenoir, two thousand one hundred seventy-eight dollars and ninety cents.

On the county of Johnson, three thousand two hundred sixty-three dollars and fifteen cents.

On the county of Wayne, three thousand thirty-four dollars and thirty-five cents.

On the county of Warren, five thousand five hundred twenty-five dollars and thirty-three cents.

On the county of Franklin, four thousand five hundred seventy-six dollars and ninety-five cents.

On the county of Nash, two thousand nine hundred eighty-eight dollars and thirty-three cents.

On the county of Granville, six thousand four hundred forty-four dollars and thirty-nine cents.

On the county of Onslow, two thousand two hundred thirty-four dollars and eleven cents.

On the county of New Hanover, six thousand six hundred ninety dollars and eleven cents.

On the county of Duplin, three thousand two hundred thirty-seven dollars and seventy-one cents.

On the county of Sampson, two thousand nine hundred fifty-one dollars and thirty-nine cents.

On the county of Brunswick, one thousand nine hundred eighty-three dollars and sixty-eight cents.

On the county of Bladen, two thousand seven hundred two dollars and eighty-three cents.

On the county of Columbus, one thousand two hundred thirty-five dollars and fifteen cents.

On the county of Cumberland, five thousand six hundred thirty-eight dollars and eighty-four cents.

On the county of Robeson, three thousand three hundred twenty-three dollars and fourteen cents.

On the county of Montgomery, two thousand eight hundred seventy-five dollars and three cents.

On the county of Richmond, two thousand three hundred eighty-three dollars and thirty-nine cents.

On the county of Anson, two thousand seven hundred ninety-two dollars and twenty-seven cents.

On the county of Moore, two thousand three hundred ninety-seven dollars and ninety-two cents.

On the county of Orange, seven thousand three hundred sixty-six dollars and fifty cents.

On the county of Wake, six thousand four hundred forty-three dollars and fifty-four cents.

On the county of Person, two thousand eight hundred fifty-one dollars and fifty seven cents.

On the county of Rockingham, three thousand nine hundred sixty-two dollars and forty-seven cents.

On the county of Caswell, four thousand sixty-seven dollars and ninety-nine cents.

On the county of Guilford, four thousand four hundred ninety-one dollars and sixty-six cents.

On the county of Stokes, three thousand eight hundred forty-two dollars and thirty-eight cents.

On the county of Rowan, eight thousand eight hundred seventy-two dollars and thirteen cents.

On the county of Randolph, two thousand seven hundred sixty-four dollars and ninety-five cents.

On the county of Chatham, four thousand three hundred thirty-seven dollars eighty-three cents.

On the county of Lincoln, five thousand six hundred fifty-two dollars and sixty-five cents.

On the county of Mecklenburg, five thousand four hundred sixty-three dollars and sixty-three cents.

On the county of Cabarrus, two thousand six hundred forty-five dollars and seventy cents.

On the county of Buncombe, two thousand eight hundred sixty dollars and forty-eight cents.

On the county of Haywood, eight hundred six dollars and eighteen cents.

On the county of Burke, two thousand seven hundred sixty-four dollars and ninety-two cents.

On the county of Rutherford, three thousand nine hundred seventeen dollars and fifty-three cents.

On the county of Surry, three thousand three hundred ninety-seven dollars and eighty-one cents.

On the county of Wilkes, one thousand eight hundred seven dollars and twenty-eight cents.

On the county of Ashe, seven hundred twenty-four dollars and thirty-four cents.

And on the county of Iredell, three thousand eight hundred twelve dollars and sixty-one cents.

*In the State of Ohio.*—On the county of Ross, three thousand eight hundred seventeen dollars and forty-nine cents.

On the county of Highland, eight hundred seventy-five dollars and twenty-one cents.

On the county of Clinton, four hundred ninety-one dollars and thirty-one cents.

On the county of Madison, four hundred one dollars and thirty seven cents.

On the county of Champaign, eight hundred twelve dollars and sixty-one cents.

On the county of Greene, one thousand five hundred seventeen dollars and fourteen cents.

On the county of Delaware, six hundred ninety-one dollars and seventy-two cents.

On the county of Franklin, one thousand five hundred seventy-three dollars and ninety cents.

On the county of Tuscarawas, four hundred five dollars and eighty-eight cents.

On the county of Knox, four hundred dollars and thirty-two cents.

*Public Acts of Congress.*

On the counties of Columbiana and Stark, two thousand six hundred eighty-seven dollars and forty-two cents.

On the county of Jefferson, one thousand nine hundred eighty-eight dollars and forty-two cents.

On the county of Warren, two thousand ninety-nine dollars and fourteen cents.

On the county of Scioto, four hundred twelve dollars and twenty-seven cents.

On the county of Licking, seven hundred eighty-nine dollars and thirteen cents.

On the county of Guernsey, two hundred thirty-seven dollars and forty-four cents.

On the county of Montgomery, one thousand five hundred fifty-six dollars and one cent.

On the county of Washington, one thousand seven hundred forty-two dollars and nine cents.

On the county of Muskingum, one thousand five hundred forty seven dollars and forty-eight cents.

On the county of Pickaway, one thousand two hundred two dollars and eighty-five cents.

On the county of Belmont, one thousand one hundred seventy-one dollars and forty-one cents.

On the county of Adams, one thousand four hundred thirty-three dollars and forty-one cents.

On the county of Clermont, one thousand six hundred ninety-seven dollars eighty-eight cents.

On the county of Hamilton, two thousand eight hundred seventy-five dollars and seventy-nine cents.

On the county of Miami, four hundred twenty-one dollars and ten cents.

On the county of Preble, three hundred twenty-six dollars and fifty two cents.

On the county of Butler, one thousand three hundred fifty-seven dollars and twelve cents.

On the county of Athens, two hundred seventy-two dollars and three cents.

On the county of Gallia, five hundred two dollars and fifty-seven cents.

On the county of Portage, one thousand four hundred sixty-four dollars and sixty-five cents.

On the county of Geauga, eight hundred fifty-two dollars and twenty-one cents.

On the county of Cayahoga, five hundred eighty-nine dollars and fifty-four cents.

On the county of Trumbull, including Ashtabula, two thousand two hundred seventy dollars and four cents.

On the county of Fairfield, one thousand nine hundred twenty-four dollars and sixty-one cents.

And on the county of Fayette, two hundred eighty-three dollars and fifteen cents.

Which several quotas on the counties of the State of Ohio, are exclusively of the taxes on land lying in the said counties respectively, and owned by persons not residing in the State.

And on lands owned by persons not residing in the State, sixty one thousand five hundred twenty-nine dollars and ninety-one cents.

*In the State of Kentucky.*—On the county of Clarke, four thousand eight hundred sixteen dollars and eighty-three cents.

On the county of Estill, three hundred fifty-four dollars and twelve cents.

On the county of Montgomery, two thousand six hundred fifty-eight dollars and ninety-five cents.

On the county of Bath, one thousand two hundred twelve dollars and ninety-two cents.

On the county of Fleming, two thousand four hundred forty-eight dollars and eighty-nine cents.

On the county of Greenup, eight hundred seventy-four dollars and ninety-six cents.

On the county of Floyd, six hundred sixty-five dollars and sixty cents.

On the county of Fayette, fourteen thousand five hundred eighty-five dollars and twenty-eight cents.

On the county of Jessamine, three thousand three hundred five dollars and ninety-seven cents.

On the county of Woodford, four thousand seven hundred seven dollars and thirty cents.

On the county of Scott, four thousand four hundred forty-nine dollars and thirty-seven cents.

On the county of Harrison, two thousand nine hundred forty-three dollars and ten cents.

On the county of Pendleton, seven hundred twenty-one dollars and sixty cents.

On the county of Campbell, one thousand three hundred fifty-nine dollars and forty-four cents.

On the county of Boone, one thousand eighty-nine dollars and thirty-one cents.

On the county of Gallatin, one thousand one hundred forty-six dollars and three cents.

On the county of Franklin, four thousand six hundred ninety-one dollars and sixteen cents.

On the county of Bourbon, seven thousand one hundred seventy-four dollars and twenty-six cents.

On the county of Nicholas, one thousand three hundred twenty-five dollars and seventy cents.

On the county of Mason, five thousand three hundred eleven dollars and nine cents.

On the county of Bracken, one thousand two hundred thirty-five dollars and three cents.

On the county of Lewis, six hundred fifty-seven dollars and sixty-four cents.

On the county of Livingston, one thousand three hundred sixty-one dollars and eighty-nine cents.

On the county of Caldwell, one thousand three hundred ninety-seven dollars and fifty-eight cents.

On the county of Christian, three thousand four hundred seventy-six dollars and one cent.

On the county of Breckenridge, nine hundred seventy-two dollars and eleven cents.

On the county of Ohio, one thousand two hundred sixty-three dollars and twenty-five cents.

On the county of Grayson, five hundred twenty dollars.

On the county of Muhlenberg, one thousand two hundred thirty-six dollars and sixty cents.

On the county of Henderson, one thousand three hundred two dollars and ninety-six cents.

On the county of Hopkins, nine hundred sixteen dollars and ninety cents.

On the county of Union, seven hundred six dollars and ninety-one cents.

On the county of Barron, three thousand three hundred forty-four dollars and twelve cents.

On the county of Warren, three thousand one hundred one dollars and ninety cents.

On the county of Logan, four thousand two hundred twelve dollars and ninety-one cents.

On the county of Butler, five hundred ninety-two dollars and thirty-three cents.

On the county of Cumberland, one thousand seven hundred two dollars and six cents.

On the county of Mercer, five thousand eight hundred eighty-five dollars and fifty-four cents.

On the county of Garrard, three thousand four hundred twenty-three dollars and thirty cents.

On the county of Madison, four thousand nine hundred thirty-three dollars and fifty-six cents.

On the county of Clay, five hundred twenty-two dollars and thirty-seven cents.

On the county of Bullitt, one thousand nineteen dollars and forty-three cents.

On the county of Jefferson, eight thousand six hundred thirty-five dollars and eighty-eight cents.

On the county of Henry, two thousand three dollars and seventy-one cents.

On the county of Shelby, five thousand four hundred thirty-one dollars and ten cents.

On the county of Lincoln, three thousand eight hundred fifty-two dollars and sixty-eight cents.

On the county of Rockcastle, five hundred sixty dollars and fifty-five cents.

On the county of Knox, one thousand three hundred eighteen dollars and twenty-two cents.

On the county of Pulaski, one thousand two hundred sixty-two dollars and eighty-two cents.

On the county of Wayne, one thousand three hundred forty-three dollars and six cents.

On the county of Adair, one thousand eight hundred eight dollars and sixty-eight cents.

On the county of Casey, seven hundred one dollars and twenty cents.

On the county of Hardin, two thousand three hundred eighty-three dollars and fifty-six cents.

On the county of Nelson, five thousand one hundred four dollars and ninety-eight cents.

On the county of Washington, three thousand eight hundred fifty-eight dollars and forty cents.

And on the county of Greene, two thousand five hundred forty-four dollars and ninety-four cents.

Which several quotas on the counties of the State of Kentucky are exclusively of the taxes on lands lying in the said counties respectively, and owned by persons not residing within the State.

And on lands owned by persons not residing in the State, eighteen thousand four hundred ninety-three dollars and fifty-one cents.

The assessment on and distribution among the said lands of which sum shall be made, any provision in any law to the contrary notwithstanding, by the assessor of that district in the said State, which includes the town of Frankford, from the list of said lands, as entered for payment of taxes with the auditor of public accounts of the State of Kentucky, in the year one thousand eight hundred and eleven, and from such other information as he may be able to obtain; and on failure to pay the said tax in the manner provided by the laws of the United States, the sale

of the said lands being previously advertised according to the said laws, shall be made by the collector of that district, which includes the said town, at the capital therein.

*In the State of South Carolina.*—On the district of Charleston, forty-seven thousand five hundred and eighty dollars.

On the district of Colleton, twelve thousand nine hundred eighty-nine dollars and twenty-seven cents.

On the district of Beaufort, fifteen thousand four hundred twenty dollars and seventy-three cents.

On the district of Barnwell, two thousand seven hundred and fifty dollars.

On the district of Orangeburg, four thousand six hundred and fifty dollars.

On the district of Lexington, two thousand and fifty dollars.

On the district of Richland, three thousand seven hundred dollars.

On the district of Edgefield, five thousand five hundred and seventy dollars.

On the district of Abbeville, four thousand nine hundred dollars.

On the district of Pendleton, two thousand one hundred and seventy dollars.

On the district of Greenville, one thousand four hundred five dollars and forty-eight cents.

On the district of Spartanburg, two thousand two hundred and seventy dollars.

On the district of Union, one thousand seven hundred and fifty dollars.

On the district of York, one thousand five hundred and sixty dollars.

On the district of Chester, one thousand eight hundred and seventy dollars.

On the district of Laurens, two thousand two hundred and fifty dollars.

On the district of Newberry, two thousand two hundred and eighty dollars.

On the district of Fairfield, two thousand eight hundred dollars.

On the district of Lancaster, nine hundred and eighty dollars.

On the district of Kershaw, three thousand eight hundred and fifty dollars.

On the district of Sumter, six thousand and thirty dollars.

On the district of Chesterfield, one thousand nine hundred and seventy dollars.

On the district of Darlington, two thousand one hundred and thirty dollars.

On the district of Georgetown, eleven thousand two hundred and eighty dollars.

On the district of Horry, one thousand and sixty dollars.

On the district of Marion, three thousand and ten dollars.

On the district of Williamsburg, two thousand three hundred dollars.

And on the district of Marlborough, one thousand three hundred thirty dollars.

*In the State of Tennessee.*—On the county of Washington, two thousand four hundred ninety-two dollars.

*Public Acts of Congress.*

On the county of Sullivan, two thousand two hundred five dollars.

On the county of Greene, three thousand one hundred twenty-seven dollars.

On the county of Hawkins, two thousand four hundred sixty-one dollars.

On the county of Carter, one thousand three hundred forty-nine dollars.

On the county of Cooke, one thousand six hundred fifty-nine dollars.

On the county of Knox, three thousand two hundred dollars seventy-five cents.

On the county of Jefferson, two thousand three hundred fifty-three dollars and seventeen cents.

On the county of Sevier, one thousand four hundred eighty dollars.

On the county of Blount, two thousand eight hundred forty-six dollars.

On the county of Granger, two thousand and sixty dollars.

On the county of Claiborne, one thousand five hundred and forty-five dollars.

On the county of Anderson, one thousand two hundred seventy-five dollars.

On the county of Campbell, eight hundred fifty-nine dollars.

On the county of Roan, one thousand seven hundred ninety-seven dollars.

On the county of Bledsoe, one thousand and forty-nine dollars.

On the county of Rhea, eight hundred and six dollars.

On the county of Smith, five thousand six hundred twenty-six dollars.

On the county of Jackson, two thousand six hundred nine dollars.

On the county of Overton, two thousand seven hundred twenty-five dollars.

On the county of White, one thousand nine hundred forty-four dollars.

On the county of Warren, two thousand seven hundred sixty-five dollars.

On the county of Franklin, two thousand seven hundred sixty-seven dollars.

On the county of Bedford, three thousand nine hundred eighty-one dollars.

On the county of Lincoln, two thousand nine hundred forty-eight dollars.

On the county of Sumner, six thousand six hundred sixty dollars.

On the county of Davidson, seven thousand five hundred thirty-nine dollars.

On the county of Williamson, six thousand three hundred fifty-three dollars.

On the county of Rutherford, four thousand nine hundred fifty-eight dollars.

On the county of Wilson, five thousand seven hundred seventy-three dollars.

On the county of Maury, five thousand and three dollars.

On the county of Giles, two thousand one hundred ninety-six dollars.

On the county of Hickman, one thousand two hundred forty-seven dollars.

On the county of Humphries, seven hundred and thirty dollars.

On the county of Stewart, two thousand fifty-eight dollars and thirty-eight cents.

On the county of Dixon, two thousand one hundred eighty-one dollars.

On the county of Montgomery, three thousand eight hundred seventy-four dollars.

And on the county of Robertson, three thousand five hundred eleven dollars.

*In the State of Georgia.*—On the county of Chatham, nineteen thousand three hundred fifteen dollars and thirty-five cents.

On the county of Bryan, nine hundred fifty-one dollars and seventy-five cents.

On the county of Liberty, three thousand fifty-eight dollars and fourteen cents.

On the county of McIntosh, one thousand six hundred and seventy-eight dollars and forty-eight cents.

On the county of Glynn, one thousand seven hundred eighty-four dollars and twenty-three cents.

On the county of Camden, one thousand six hundred sixty-seven dollars and forty-one cents.

On the county of Wayne, two hundred fifty-two dollars and eight cents.

On the county of Effingham, eight hundred forty-six dollars.

On the county of Bullock, six hundred forty-one dollars and eighty-eight cents.

On the county of Tatnall, four hundred seventy dollars and ninety-six cents.

On the county of Scriven, one thousand three hundred fifty dollars and sixteen cents.

On the county of Burke, three thousand six hundred one dollars and sixty-seven cents.

On the county of Richmond, six thousand eight hundred four dollars and eighty-nine cents.

On the county of Jefferson, two thousand one hundred eighty-eight dollars and seventy-eight cents.

On the county of Washington, two thousand five hundred sixty-five dollars and five cents.

On the county of Montgomery, six hundred seventy dollars and sixteen cents.

On the county of Columbia, three thousand seven hundred sixty-six dollars and forty-two cents.

On the county of Warren, two thousand three hundred thirty-five dollars and eleven cents.

On the county of Hancock, four thousand nineteen dollars and seventy-three cents.

On the county of Greene, three thousand seven hundred twelve dollars and thirty-two cents.

On the county of Lincoln, one thousand four hundred seventy-three dollars and twelve cents.

On the county of Wilkes, four thousand six hundred eighty-two dollars and fifty-one cents.

On the county of Elbert, three thousand two hundred ninety-five dollars and forty-seven cents.

On the county of Franklin, one thousand six hundred forty-seven dollars and seventy-two cents.

On the county of Oglethorpe, three thousand seven hundred eight dollars and sixty-three cents.

On the county of Jackson, one thousand nine hundred sixty-seven dollars and forty-four cents.



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On the county of Clark, two thousand twenty-four dollars and one cent.

On the county of Morgan, two thousand twenty-one dollars and fifty-five cents.

On the county of Laurens, four hundred seventy-five dollars and eighty-eight cents.

On the county of Pulaski, six hundred and sixty-four dollars.

On the county of Wilkinson, including the county of Telfair, five hundred sixty-nine dollars and thirty-three cents.

On the county of Twiggs, eight hundred eighty-six dollars and fifty-eight cents.

On the county of Baldwin, three thousand ten dollars and nineteen cents.

On the county of Jones, one thousand five hundred seventy dollars and twenty-seven cents.

On the county of Putnam, two thousand seven hundred fifty dollars and seventy-three cents.

And on the county of Randolph, now called Jasper, two thousand five hundred eight dollars and forty-nine cents.

*In the State of Louisiana.*—On the parish of Orleans, ten thousand six hundred fifty-seven dollars fifty-five cents.

On the parish of St. Bernard two hundred thirty-six dollars forty cents.

On the parish of Plaquemine, three hundred seventy-five dollars fifteen cents.

On the parish of St. Charles, one thousand one hundred sixty-seven dollars seventy-seven cents.

On the parish of St. John the Baptist, eight hundred nine dollars ninety cents.

On the parish of St. James, eight hundred nine dollars ninety cents.

On the parish of Ascension, six hundred thirty-seven dollars eighty-six cents.

On the parish of Assumption, four hundred and ninety-four dollars forty-five cents.

On the parish of La Fourche, interior, four hundred fifty-two dollars.

On the parish of Iberville, five hundred eighty dollars fifty cents.

On the parish of West Baton Rouge, three hundred eighty-five dollars fifty-one cents.

On the parish of Feliciana, one thousand three hundred eighty-three dollars forty-one cents.

On the parish of East Baton Rouge, one thousand one hundred fifty-four dollars.

On the parish of St. Helena, three hundred fifty-one dollars ten cents.

On the parish of St. Tammany, two hundred thirty-six dollars forty cents.

On the parish of Point Coupee, one thousand seven hundred ninety-nine dollars twenty-two cents.

On the parish of Concordia, five hundred eight dollars eighty-two cents.

On the parish of Warren, one hundred ninety-one dollars sixty cents.

On the parish of Ouachita, eight hundred thirty-one dollars seventy cents.

On the parish of Rapides, one thousand nine dollars forty-eight cents.

On the parish of Avoyelles, two hundred fourteen dollars eighty-eight cents.

On the parish of Catahoula, one hundred forty-one dollars eighty cents.

On the parish of Nachitoches, one thousand seventy-nine dollars forty-five cents.

On the parish of St. Landrey, one thousand two hundred one dollars four cents.

On the parish of St. Martin, one thousand three dollars eighteen cents. And

On the parish of St. Mary, five hundred eighty-nine dollars fifteen cents.

SEC. 3. *And be it further enacted*, That the amount of taxes which by virtue of the provisions of the act for the assessment and collection of direct taxes and internal duties, and of this act, should be laid and collected on non-residents' lands, so called, in the State of Kentucky and Ohio shall be ascertained and levied in the same manner, and at the same rates respectively, as they were by the laws of those States in the year eighteen hundred and eleven; and lands in that year entered for taxation as non-residents' lands, which since that time may have been sold and transferred to residents, or where the owners of such lands may have become residents, and have had their lands entered for taxation, as residents, the tax on the same shall be collected as the tax on non-residents' lands: *Provided*, In all cases where sales and transfers shall have been made as aforesaid, or where non-residents have become residents, if they reside on the lands formerly entered as non-residents' lands, they shall have notice from the collector, as in other cases of residents. And if the amount thus laid shall, in either of the said States, exceed or fall short of the amount fixed by this act as the quota to be laid on non-residents' lands in the said States respectively, the difference shall, in the next ensuing direct tax laid by the authority of the United States, be deducted from or added to the quota of such State, as the case may be.

SEC. 4. *And be it further enacted*, That the said tax shall be assessed and collected in the manner provided, and by the officers to be appointed under and by virtue of the act aforesaid, entitled "An act for the assessment and collection of direct taxes and internal duties:" *Provided*, That there shall be appointed in the State of Ohio six additional collectors, who shall collect the tax due from non-resident proprietors of lands in the said State, shall have the same districts assigned them by the Secretary of the Treasury, reside at the same places which are or may be designated for similar officers under the State authority, and in other respects shall be under the same rules and regulations, be subject to the same penalties and forfeitures as are provided by the above recited act.

SEC. 5. *And be it further enacted*, That the principal assessors shall issue their precepts to the assistant assessors for the purpose of carrying into effect this act on the first day of February next, and the assessments shall have reference to that day.

SEC. 6. *And be it further enacted*, That each State may vary, by an act of its legislature, the respective quotas imposed by this act on its sev-

*Public Acts of Congress.*

eral counties or districts, so as more equally and equitably to apportion the tax hereby imposed; and the tax laid by this act shall be levied and collected in conformity with such alterations and variations, as if the same made part of this act, provided that an authenticated copy thereof be deposited in the office of the Secretary of the Treasury prior to the first of April next; in which case it shall be the duty of the said Secretary to give notice thereof to the proper principal collectors in such State.

**SEC. 7.** *And be it further enacted,* That each State may pay its quota into the Treasury of the United States, and thereon shall be entitled to a deduction of fifteen per centum if paid before the tenth day of February next, and of ten per centum, if paid before the first day of May, in the same year: *Provided,* That notice of the intention of making such payment be given to the Secretary of the Treasury one month prior to such payment; and in case of payment so made he shall give notice thereof to the principal assessors and collectors of such States; and no further proceedings shall thereafter be had under this act in such State.

**SEC. 8.** *And be it further enacted,* That if either the States of Ohio or Louisiana shall pay its quota, according to the provisions of the preceding section, the Legislature thereof shall be and they are hereby authorized and empowered to collect of all the purchasers of public lands, under any law of the United States, a just and equal proportion of the quota of said States, respectively, the compact between the United States and the said States to the contrary notwithstanding.

Approved, August 2, 1813.

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An Act concerning Invalid Pensioners.

*Be it enacted, &c.,* That the Secretary of War be, and he hereby is, directed to place the following named persons on the pension list of invalid pensioners of the United States, who shall be entitled to and receive pensions, according to the rates and commencing at the times herein mentioned, that is to say:

Benjamin Randall, at the rate of five dollars per month, to commence on the eleventh day of February, one thousand eight hundred and thirteen.

George Hill, at the rate of three dollars and twenty-five cents per month, to commence on the twenty-fifth of February, one thousand eight hundred and thirteen.

Leonard Clarke, at the rate of five dollars per month, to commence on the eighteenth day of January, one thousand eight hundred and thirteen.

George Shannon, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and thirteen.

Hezekiah Thorndike, at the rate of three dollars thirty-three and one-third cents per month, to commence on the first of May, one thousand eight hundred and twelve.

Benjamin Brockway, at the rate of two dollars and fifty cents per month, to commence on the eleventh of December, one thousand eight hundred and twelve.

Paul Bebee, at the rate of three dollars and seventy-five cents per month, to commence on the seventh of January, one thousand eight hundred and thirteen.

Zachariah Sherwood, at the rate of two dollars and fifty cents per month, to commence on the thirtieth of December, one thousand eight hundred and nine.

Braxton Carter, at the rate of three dollars per month, to commence on the first of January, one thousand eight hundred and thirteen.

Patrick Logan, at the rate of two dollars and fifty cents per month, to commence on the first of January, one thousand eight hundred and thirteen.

Joseph Davidson, at the rate of two dollars fifty cents per month, to commence on the twenty-third of January, one thousand eight hundred and twelve.

John Jourdan, at the rate of five dollars per month, to commence on the twenty-sixth day of August, one thousand eight hundred and twelve.

James Russell, at the rate of five dollars per month, to commence on the twenty-first day of November, one thousand eight hundred and twelve.

Nathaniel Henry, at the rate of fifteen dollars per month, to commence on the first day of January, one thousand eight hundred and thirteen.

Abraham Merryfield, at the rate of five dollars per month, to commence on the fifteenth day of February, one thousand eight hundred and thirteen.

Joshua Patrick, at the rate of two dollars and fifty cents per month, to commence on the first day of June, one thousand eight hundred and thirteen.

Nathan Morris, at the rate of ten dollars per month, to commence on the fourteenth day of June, one thousand eight hundred and thirteen.

Samuel White, at the rate of two dollars and fifty cents per month, to commence on the twelfth day of April, one thousand eight hundred and thirteen.

**SEC. 2.** *And be it further enacted,* That the pensions of the following named persons already placed on the pension list of the United States, whose claims for an increase of pension have been transmitted to Congress, pursuant to the act for that purpose, be increased to the sums herein respectively annexed to their names, the said increase to commence at the times herein mentioned, and to be instead of the pensions they at present receive, that is to say:

Ebenezer Bean, at the rate of two dollars and fifty cents per month, to commence on the ninth of June, one thousand eight hundred and twelve.

Samuel Morrell, at the rate of three dollars and seventy-five cents per month, to commence on the eleventh of September, one thousand eight hundred and twelve.

Moses Trussell, at the rate of five dollars per

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month, to commence on the twenty-first of September, one thousand eight hundred and twelve.

Samuel le Count, at the rate of five dollars per month, to commence on the twentieth of November, one thousand eight hundred and twelve.

Josiah Jones, at the rate of five dollars per month, to commence on the twenty-fifth of January, one thousand eight hundred and thirteen.

Stephen Everts, at the rate of five dollars per month, to commence on the eighteenth of May, one thousand eight hundred and twelve.

Amazian Chappell, at the rate of three dollars and seventy-five cents per month, to commence on the seventh of February, one thousand eight hundred and eleven.

Samuel Stillman, at the rate of three dollars and seventy-five cents per month, to commence on the twenty-eighth of November, one thousand eight hundred and twelve.

Israel Dibble, at the rate of four dollars and fifty cents per month, to commence on the twelfth day of December, one thousand eight hundred and twelve.

Samuel Sawyer, at the rate of four dollars and fifty cents per month, to commence on the twelfth day of December, one thousand eight hundred and twelve.

Jacob Williams, at the rate of two dollars and an half per month, to commence on the eleventh day of January, one thousand eight hundred and thirteen.

Benjamin Tower, at the rate of five dollars per month, to commence on the twenty-seventh of January, one thousand eight hundred and thirteen.

John Talman, alias Tallman, at the rate of five dollars per month, to commence on the first of February, one thousand eight hundred and thirteen.

Younger Grady, at the rate of five dollars per month, to commence on the eighth day of June, one thousand eight hundred and eleven.

Approved, March 2, 1813.

An Act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise.

*Be it enacted, &c.,* That every person who shall deal in the selling of any goods, wares, or merchandise, except such as are of the growth, produce, or manufacture, of the United States, and except such as are sold by the importer thereof, in the original cask, case, box, or package, wherein the same shall have been imported, shall be deemed to be, and hereby is declared to be, a retail dealer in merchandise, within the meaning of this act; that every person who shall deal in the selling of wines in a less quantity or in less quantities at one time than thirty gallons, except the importer in the original cask, case, box, or package, wherein the same shall have been imported, shall be deemed to be, and hereby is declared to be, a retail dealer in wines, within the meaning of this act; and that every person who shall deal in the selling of any distilled spirituous

liquors in less quantities than twenty gallons at one time, shall be deemed to be, and hereby is declared to be, a retail dealer in distilled spirituous liquors. *Provided, always,* That nothing herein contained shall be construed to extend to physicians, apothecaries, surgeons, or chemists, as to any wines or spirituous liquors which they may use in the preparation or making up of medicines for sick, lame, or diseased persons only; or to the sale of domestic spirits sold in quantities not less than five gallons at the place where the same shall have been distilled, and by the person or persons to whom a license for distilling the same shall have been granted agreeably to the laws of the United States.

*Sec. 2. And be it further enacted,* That every person who, on the first day of January next, shall be a retail dealer in wines, distilled spirituous liquors, or merchandise, as above described or defined, shall, before the said day, and every person who, after the said day, shall become or intend to become such retail dealer as aforesaid, shall, before he shall begin to sell by retail as aforesaid, any wine, distilled spirituous liquors, or merchandise, apply for and obtain from the collector appointed by virtue of the act, entitled "An act for the assessment and collection of direct taxes and internal duties," for the collection district in which such person resides, one or more licenses, as the case may be, for carrying on the business of selling by retail as aforesaid; which licenses, respectively, shall be granted for the term of one year, upon the payment for each license, respectively, of the duty by this act laid on such license, and shall be renewed yearly upon the payment of the like sum for each license. And if any person shall, after the said day, deal in the selling of wines, distilled spirituous liquors, or merchandise, by retail as above described and defined, without having a license therefor as aforesaid, continuing in force, such person shall, in addition to the payment of the duty, forfeit and pay the sum of one hundred and fifty dollars, to be recovered with costs of suit. And no such license shall be sufficient for the selling of wines, distilled spirituous liquors, or merchandise, as aforesaid, by retail, at more than one place at the same time; but any person who, by color of such license, shall sell any wines, distilled spirituous liquors, or merchandise, as aforesaid, at more than one place at the same time, shall be deemed to be, in respect to such of the said articles as he or she shall so sell at more than one place at the same time, a retail dealer therein, as the case may be, without license, and shall forfeit and pay the like sum of one hundred and fifty dollars, in addition to the payment of the duty, to be recovered with costs of suit.

*Sec. 3. And be it further enacted,* That it shall be the duty of the collectors aforesaid, within their respective districts, to grant licenses for retailing, which licenses shall be marked with a mark denoting the rate of the duty thereupon, and shall be signed by the Commissioner of the Revenue, and being countersigned by the collector, who shall issue the same, or cause the same to be issued, shall be granted to any person who shall

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desire the same, upon application in writing, and upon payment of the sum or duty payable by this act upon each license requested: *Provided always*, That no license shall be granted to any person to sell wines, distilled spirituous liquors, or merchandise, as aforesaid, who is prohibited to sell the same by any State.

SEC. 4. *And be it further enacted*, That the following duties shall be paid on the licenses abovementioned, viz:

On retailers of merchandise, including wines and spirits; if in cities, towns, or villages, containing, within the limits of one mile square, more than one hundred families, twenty-five dollars; of wines alone, twenty dollars; of spirits alone, twenty dollars; of domestic spirits alone, fifteen dollars; of merchandise other than wines and spirits, fifteen dollars.

If any other place than cities, towns, or villages containing, within the limits of one mile square, more than one hundred families: on retailers of merchandise, including wines and spirits, fifteen dollars; of wines and spirits, fifteen dollars; of spirits alone, twelve dollars; of domestic spirits alone, ten dollars; of merchandise other than wines and spirits, ten dollars.

SEC. 5. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized, to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act. And all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States, or of the collector within whose district any such fine, penalty, or forfeiture, shall have been incurred, by bill, plaint, or information, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who, if a collector, shall first discover, if other than a collector shall first inform, of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture, shall have been incurred; and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court, within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the State, holden within the said district, having jurisdiction in like cases.

SEC. 6. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland and the dependencies thereof, for one year thereafter and no longer.

Approved, August 2, 1813.

An Act to provide for the widows and orphans of militia slain, and for militia disabled in the service of the United States.

*Be it enacted, &c.*, That if any commissioned officer of the militia, or of any volunteer corps,

shall, while in the service of the United States, die by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the time, shall go to the child or children of such deceased officer: *Provided always*, That such half pay shall cease on the death of such child or children.

SEC. 2. *And be it further enacted*, That if any officer, non-commissioned officer, musician, or private, of the militia, or of any volunteer corps, shall be disabled by known wounds received in the actual service of the United States, while in the line of his duty, he shall, upon substantiating his claim in the manner described by an act, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war," passed the tenth day of April, one thousand eight hundred and six, be placed on the list of invalids of the United States, at such rate of pension, and under such regulations as are provided by the said act, or as may hereafter be provided by law: *Provided always*, That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the persons so disabled, to receive an allowance proportionate to the highest disability.

SEC. 3. *And be it further enacted*, That the provisions of this act shall be construed to have effect from and after the eighteenth day of June, one thousand eight hundred and twelve.

SEC. 4. *And be it further enacted*, That the sixth section of an act, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," passed the sixth day of February, one thousand eight hundred and twelve, be, and the same is hereby, repealed.

Approved, August 2, 1813.

An Act explanatory of an act, entitled "An act to raise ten additional companies of Rangers.

*Be it enacted, &c.*, That each of the ten companies authorized by the act, entitled "An act to raise ten additional companies of rangers," shall consist of one captain, one first, one second, one third lieutenant, one ensign, five sergeants, six corporals, and ninety privates.

Approved, August 2, 1813.

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An Act for the relief of the officers and crew of the late United States' brig Vixen.

*Be it enacted, &c.,* That the Accountant of the Navy Department be, and he is hereby, authorized and required to assume the day of the departure of the brig Vixen, from a port in the United States, on her last cruise, as the day on which the accounts of the officers and crew of the said brig shall be finally settled and balanced: *Provided,* That nothing herein contained shall be construed to deprive the said officers and crew of any claims to further payment than is allowed by this act, which may, on satisfactory proof, appear to be just.

SEC. 2. *And be it further enacted,* That the Secretary of the Navy be, and he is hereby, authorized to allow and pay, unto the officers and crew of the said brig, such sum of money as, in his judgment, may be due to them for their pay.

Approved, August 2, 1813.

An Act authorizing the payment for wagons and teams, captured or destroyed by the enemy at Detroit.

*Be it enacted, &c.,* That every person who has sustained damages by the loss of his wagon and team, or either of them, without any fault or negligence on his part, while the same were actually employed in the transportation of baggage or supplies for the army under the command of Brigadier General William Hull, during the Summer of one thousand eight hundred and twelve, and which were captured or destroyed by the enemy on the surrender of said army at Detroit, shall be allowed the value of such wagon and team, or either of them, lost as aforesaid; the facts of the loss of the same, as well as the value thereof, to be ascertained in such manner, and on such evidence, as the President of the United States may direct; to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, August 2, 1813.

An Act to authorize the appointment, by the President, of certain officers during the recess of the Senate.

*Be it enacted, &c.,* That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint such of the officers of the five regiments authorized by the act, entitled "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes,'" and the act supplementary thereto, passed the fifth day of July, one thousand eight hundred and thirteen, as may not be appointed during the present session; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

Approved, August 2, 1813.

An Act authorizing the sale of sundry lots, the property of the United States, in the borough of Pittsburgh.

*Be it enacted, &c.,* That the President of the United States be, and he is hereby, authorized, to

cause to be sold certain lots of ground in the borough of Pittsburgh, in the State of Pennsylvania, being the property of the United States, and the same on which Fort Fayette now stands, the proceeds whereof are hereby appropriated, under the direction of the President, to the erection of arsenals, armories, and laboratories.

Approved, August 2, 1813.

An Act for reducing the duties payable on prize goods captured by the private armed vessels of the United States.

*Be it enacted, &c.,* That on all goods, wares, and merchandise, captured from the enemy, and made good and lawful prize of war, by any private armed ship or vessel of the United States, having a commission for making captures upon the enemy, or letters of marque and reprisal, and brought into the United States or their Territories, there shall be allowed a deduction of thirty-three and one-third per cent. on the amount of duties at present imposed by law.

Approved, August 2, 1813.

An Act supplementary to the act, entitled "An act for the better regulation of the Ordnance."

*Be it enacted, &c.,* That, in addition to the present number allowed by law, as many Deputy Commissaries of Ordnance may be appointed, not exceeding five, as the President of the United States shall deem necessary to the public service, who shall be entitled to the same rank, pay, emoluments, rations, and forage, as are provided by the act to which this is a supplement.

Approved, August 2, 1813.

An Act authorizing a loan for a sum not exceeding seven millions five hundred thousand dollars.

*Be it enacted, &c.,* That the President of the United States be, and he is hereby, authorized to borrow, on the credit of the United States, a sum not exceeding seven millions five hundred thousand dollars, to be applied, in addition to the moneys now in the Treasury, or which may be received from other sources, to defray any expenses which have been, or which may be, authorized for the service of the years one thousand eight hundred and thirteen and one thousand eight hundred and fourteen, and for which appropriations have been or may be made by law during those years: *Provided,* That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed, at any time after the expiration of twelve years, from the first day of January next.

SEC. 2. *And be it further enacted,* That the Secretary of the Treasury, with the approbation of the President of the United States, be, and he is hereby, authorized to cause to be constituted certificates of stock, signed by the Register of the Treasury, or by a Commissioner of Loans, for the sum to be borrowed by this act, or for any part thereof, and the same to be sold: *Provided,* That

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no such certificate shall be sold at a rate less than eighty-eight per centum, or eighty-eight dollars in money for one hundred dollars in stock. And the Secretary of the Treasury shall cause to be laid before Congress, on the first Monday in February; one thousand eight hundred and fourteen, or as soon thereafter as Congress may be in session, an account of all the moneys obtained by the sale of the certificates of stock in manner aforesaid, together with a statement of the rate at which the same may have been sold.

SEC. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to employ an agent or agents for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock created by virtue thereof. A commission not exceeding one-quarter of one per cent. on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum not exceeding twenty-two thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, is hereby appropriated for paying the amount of such commission or commissions as may be thus allowed, and also for defraying the expenses of printing and issuing the subscription certificates, and certificates of stock, and other expenses incident to the receiving of subscriptions, and completing the loan authorized by this act.

SEC. 4. *And be it further enacted,* That so much of the funds constituting the annual appropriation of eight millions of dollars for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of said debt as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act. It shall accordingly be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid out of the said fund, yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums, out of the said fund, as they may think proper, towards redeeming by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

SEC. 5. *And be it further enacted,* That it shall be lawful for any of the banks in the District of

Columbia to lend any part of the sum authorized to be borrowed by virtue of this act, anything in any of their charters of incorporation to the contrary notwithstanding.

Approved, August 2, 1813.

An Act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations discounted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions.

*Be it enacted, &c.,* That, from and after the last day of December next, there shall be levied, collected, and paid, throughout the United States, the several stamp duties following, viz: For every skin or piece of vellum, or parchment, or sheet, or piece of paper, upon which shall be written or printed any or either of the instruments of writing following, to wit:

On any promissory note or notes, payable either to bearer or order, issued by any of the banks or companies who issue and discount notes, bonds, or obligations, either incorporated or not incorporated, which now are or may hereafter be established in the United States, or by any banker or bankers, according to the following scale, viz:

If not exceeding one dollar, one cent.

If above one dollar, and not exceeding two dollars, two cents.

If above two and not exceeding three dollars, three cents.

If above three and not exceeding five dollars, five cents.

If above five and not exceeding ten dollars, ten cents.

If above ten and not exceeding twenty dollars, twenty cents.

If above twenty and not exceeding fifty dollars, fifty cents.

If above fifty and not exceeding one hundred dollars, one dollar.

If above one hundred and not exceeding five hundred dollars, five dollars.

If above five hundred and not exceeding one thousand dollars, ten dollars.

If above one thousand dollars, fifty dollars.

On any bond, obligation, or promissory note or notes, not issued by any bank, companies, or banker as aforesaid, discounted by any such bank, companies, or banker, and on any foreign or inland bill or bills of exchange above fifty dollars, and having one or more endorsers, according to the following scale, viz:

If not exceeding one hundred dollars, five cents.

If above one hundred and not exceeding two hundred dollars, ten cents.

If above two hundred and not exceeding five hundred dollars, twenty-five cents.

If above five hundred and not exceeding one thousand dollars, fifty cents.

If above one thousand and not exceeding fifteen hundred dollars, seventy-five cents.

If above fifteen hundred and not exceeding two thousand dollars, one dollar.

If above two thousand and not exceeding three thousand dollars, one dollar and fifty cents.



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If above three thousand and not exceeding four thousand dollars, two dollars.

If above four thousand and not exceeding five thousand dollars, two dollars and fifty cents.

If above five thousand and not exceeding seven thousand dollars, three dollars and fifty cents.

If above seven thousand and not exceeding eight thousand dollars, four dollars.

If above eight thousand dollars, five dollars: *Provided*, That nothing herein contained shall be construed to charge with a duty, or to require to be stamped, any Treasury or other note or notes issued for the use or benefit of the United States, in pursuance of any act of Congress, or to any draft or bill drawn by the Treasurer of the United States, or any check payable at sight upon any bank, company, or banker as aforesaid, or to charge with a duty any second or other copy of a set of exchange.

SEC. 2. *And be it further enacted*, That, in respect to any stamp on any of the notes of the banks or companies aforesaid, now established or which may hereafter be established within the United States, it shall be lawful for the Secretary of the Treasury to agree to an annual composition, in lieu of such stamp duty, with any of the said banks or companies, of one and a half per centum on the amount of the annual dividend made by such banks to their stockholders respectively.

SEC. 3. *And be it further enacted*, That the several duties aforesaid shall be levied, collected, received, and accounted for, by and under the immediate direction and management of the collectors appointed under the act, entitled "An act for the assessment and collection of direct taxes and internal duties," within their respective districts, subject to the superintendence, control, and direction of the Treasury Department, according to the respective authorities and duties of the officers thereof.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Commissioner of the Revenue to cause to be provided so many marks and stamps, differing from each other, as shall correspond with the several rates of duty aforesaid; that is to say, one mark or stamp for each distinct rate of duty; with which marks and stamps, respectively, shall be marked or stamped all vellum, parchment, or paper, upon which shall be written or printed all or any of the several instruments, writings, matters, and things hereinbefore enumerated and charged, according to the nature and description of each of the said instruments, writings, matters, and things as are hereinbefore specified and described; which said several marks and stamps shall be notified by a public notification or advertisement, to be issued by the Commissioner of the Revenue, and inserted in at least one newspaper printed in each State, and for not less than three months before the said last day of December next, to the end that all persons may have due notice thereof; and which said marks and stamps, or any of them, shall or may be altered or renewed, from time to time, as the said Commissioner of the Revenue shall think fit, so that like public

notification thereof be made for a term not less than three months before such new stamps or marks shall begin to be used.

SEC. 5. *And be it further enacted*, That, when any person or persons shall deposite any vellum, parchment, or paper at the office of any collector aforesaid, accompanying the same with a list which shall specify the number and denomination of the stamps or marks which are to be thereto affixed, it shall be the duty of the said collector to transmit the same to the office of the Commissioner of the Revenue, where such paper, parchment, and vellum shall be properly marked or stamped, and forthwith sent back to the said collector, who shall thereupon collect the duties, and deliver the vellum, parchment, and paper, pursuant to the order of the person from whom it was received.

SEC. 6. *And be it further enacted*, That if any person or persons shall write or print, or cause to be written or printed, upon any unstamped vellum, parchment, or paper, (with intent fraudulently to evade the duties imposed by this act,) any of the matters and things for which the said vellum, parchment, or paper is hereby charged to pay any duty; or shall write or print, or cause to be written or printed, any matter or thing upon any vellum, parchment, or paper that shall be marked or stamped for any lower duty than the duty by this act payable; or shall write or print, or cause to be written or printed, off vellum, parchment, or paper duly stamped, any matters or things in respect whereof a duty is payable as aforesaid, at a distance from the stamps or marks impressed upon the said vellum, parchment, or paper, with intent again to use the said stamp, vellum, parchment, or paper, or with intent fraudulently to evade the duties imposed by this act; or shall write or print, or cause to be written or printed, any matters or things in respect whereof a duty is payable, on any piece of stamped vellum, parchment, or paper whereon there shall have been before written or printed any other matter or thing in respect whereof a duty is payable by this act, before such vellum, parchment, or paper shall have been again duly marked or stamped according to this act, such person so offending shall, for every such offence, forfeit the sum of one hundred dollars; and in case any clerk, officer, or person who, in respect of any public office or employment, is or shall be authorized or instructed to make, write, or print any instrument or writings by this act charged to pay a duty as aforesaid, shall be guilty of any fraud or practice to defraud or deprive the United States of any duty by this act payable, by making, writing, or printing any such instrument or writing, or causing the same to be made, written, or printed upon vellum, parchment, or paper, not marked or stamped according to this act, (or upon vellum, parchment, or paper marked or stamped with any mark or stamp which he shall know to be counterfeited,) or by writing or printing any such instrument or other writing upon vellum, parchment, or paper that shall be marked or stamped for a lower duty as aforesaid, every such clerk, officer, or person so guilty, and being

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thereof lawfully convicted, shall, instead of the penalty aforesaid, forfeit and pay the sum of five hundred dollars; and, if an officer of the United States, shall, in addition thereto, forfeit his office, and be disabled to hold or enjoy the same for the future.

SEC. 7. *And be it further enacted*, That no instrument or writing whatsoever, charged by this act with the payment of a duty as aforesaid, shall be pleaded or given in evidence in any court, or admitted in any court to be available in law or equity, unless the same shall be stamped or marked as aforesaid: *Provided*, That if any such instrument or writing shall have been written or printed upon vellum, parchment, or paper, not marked or stamped according to this act, or upon vellum, parchment, or paper marked or stamped for a lower duty than ought to be paid upon the same, then, and in such case, it shall be lawful for the person or persons holding such instrument or writing to pay to the collector, within whose collection district such person or persons shall reside, the duty chargeable by law on such instrument or writing, together with ten dollars in addition thereto; which duty and additional sum of ten dollars, such collector is hereby authorized and required to receive, and without fee or reward to endorse a receipt therefor under his hand, upon some part of such instrument or writing; after which endorsement, and not otherwise, such instrument or writing shall be to all intents and purposes as valid and available as if the same had been or were stamped or marked as by this act required. The sums thus received by each collector, in virtue of this section, shall be accounted for and paid over in the same manner as other moneys received for stamp duties, and in such form and under such regulations as shall be prescribed by the Treasury Department. And if any person, with intent to defraud the United States of any sum of moneys directed to be paid by this act, shall counterfeit or forge, or cause or procure to be counterfeited or forged, any receipt or endorsement provided for and directed by this section, or shall utter, pass away, vend, or offer in evidence in any court of justice any such forged or counterfeit receipt or endorsement, knowing the same to be forged or counterfeit, then every person so offending and being thereof convicted in due form of law, shall be adjudged to be guilty of a misdemeanor, and shall be subject to be fined in any sum not exceeding one thousand dollars, and to be imprisoned for any term not exceeding seven years.

SEC. 8. *And be it further enacted*, That, from and after the last day of December next, no bank or companies aforesaid now established, or which shall be hereafter established, which shall not have compounded for the duty hereby required, shall issue any bank bill or promissory note, unless upon paper duly stamped and whereon the respective duties shall have been paid; and if the officer of any such bank, or any person or persons employed therein, shall thereafter issue any bill or note not duly stamped as aforesaid, he or they shall forfeit and pay a fine equal to the value of the bill or note so issued.

SEC. 9. *And be it further enacted*, That every person who shall be employed for the marking or stamping of vellum, parchment, or paper as aforesaid, before his acting in the marking or stamping of the said vellum, parchment, or paper, shall take the following oath or affirmation: "I [insert here the name of the person] do solemnly swear [or affirm as the case may be] that I will, according to the best of my knowledge and skill, faithfully, honestly, and carefully execute the trust reposed in me, and will truly mark or stamp all vellum, parchment, or paper, which I shall be required or directed to mark or stamp, and will render a true and exact account thereof to the proper officer or officers."

SEC. 10. *And be it further enacted*, That the said collectors shall, from time to time, for the better execution of their several duties and trusts, observe and execute such directions as they respectively shall, from time to time, receive from the Department of the Treasury; which Department shall take care that the several parts of the United States shall, from time to time, be sufficiently furnished with vellum, parchment, and paper, stamped or marked as aforesaid, so that the citizens thereof may have it in their election to buy the same of the officers or persons to be employed in and about the execution of this act, at the usual or most common rates above the said duty, or to bring their own vellum, parchment, or paper to be marked or stamped as aforesaid.

SEC. 11. *And be it further enacted*, That whenever any person, other than officers employed in collecting the revenue of the United States, shall apply to any collector aforesaid, at the office of such collector, for the purchase, at one time, of any quantity of vellum, parchment, or paper, stamped and marked in the manner aforesaid, the whole amount of the duties on which quantity shall be ten dollars or upwards, such collector shall be, and hereby is authorized, and required to deliver such person such quantity of vellum, parchment, or paper stamped as aforesaid, the said person paying down the amount of the said duties, after deducting therefrom seven and one half per centum on such amount, which deduction the said collector is hereby authorized and required to allow.

SEC. 12. *And be it further enacted*, That all the paper wanted for the purposes of this act, excepting paper for bank notes, shall be furnished at the expense of the United States by the Secretary of the Treasury, who is hereby authorized to employ annually a sufficient sum for that purpose, which sum, as well as an annual sum of twenty thousand dollars, for defraying the expenses of dies and of stamping the paper, shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 13. *And be it further enacted*, That it shall be the duty of the collectors aforesaid, in their respective districts, and they are hereby authorized to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act. And all

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finer, penalties, and forfeitures, which shall be incurred by force of this act; shall and may be sued for and recovered in the name of the United States, or of the collector aforesaid within whose district any such fine, penalty, or forfeiture shall have been incurred, by bill, plaint, or information, one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who, if a collector aforesaid, shall first discover, if other than a collector aforesaid, shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture shall have been incurred; and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the State holden within the said district, having jurisdiction in like cases.

SEC. 14. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland and the dependencies thereof, and for one year thereafter, and no longer.

Approved, August 2, 1813.

An Act making additional appropriations for the support of Government during the year one thousand eight hundred and thirteen.

*Be it enacted, &c.*, That, in addition to the sums appropriated by the act making appropriations for the support of Government for the year one thousand eight hundred and thirteen, the following sums be and they are hereby respectively appropriated, that is to say:

For expenses of intercourse with foreign nations, in addition to the sum heretofore appropriated, the sum of thirty-eight thousand five hundred dollars.

For the relief and protection of American seamen, in addition to the sums heretofore appropriated, the sum of forty thousand dollars.

For fitting up four rooms in the building purchased by the United States, where the general post office is held, for the use of the superintendent general of military supplies, two thousand thirty nine dollars and twelve and an half cents.

For books, stationery, furniture, wood, and other contingent expenses, the sum of one thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, August 2, 1813.

An Act allowing a bounty to owners, officers, and crews of the private armed vessels of the United States.

*Be it enacted, &c.*, That a bounty of twenty-five dollars be paid to the owners, officers, and crews of the private armed vessels of the United States, commissioned as letter of marque, for each and

every prisoner by them captured and brought into port, and delivered to an agent authorized to receive them in any port of the United States; and the Secretary of the Treasury is hereby authorized and required to pay or cause to be paid to such owners, officers, and crews of private armed vessels commissioned as aforesaid, or their agent, the aforesaid bounty for each prisoner, captured and delivered as aforesaid.

SEC. 2. *And be it further enacted*, That the sum of fifty thousand dollars, out of any money in the Treasury not otherwise appropriated, be and the same is hereby appropriated.

Approved, August 3, 1813.

An Act making further provision for the collection of internal duties, and for the appointment and compensation of assessors.

*Be it enacted, &c.*, That the collectors appointed under the act, entitled "An act for the assessment and collection of direct taxes and internal duties," shall be charged, under the direction and superintendence of the Treasury Department, with the collection in their several districts, as defined in the said act, of the duties on sales at auction of merchandise, and of ships and vessels; on sugar refined within the United States; on carriages for the conveyance of persons; on licenses to retail dealers in wines, spirituous liquors, and foreign merchandise; on licenses to distillers of spirituous liquors; and on notes of banks, bankers, and certain companies; on notes, bonds, and obligations discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions; and the bonds which the said collectors under the aforesaid act are required to give for the true and faithful discharge of their offices shall be deemed to extend to and include the due collection and payment over of the moneys arising within their respective districts from the several duties above recited: and in case of failure in the said due collection and payment, the said bonds shall be deemed to be forfeited to the United States, and may be sued and judgment recovered thereupon in the manner pointed out by this act.

SEC. 2. *And be it further enacted*, That the President of the United States be and he is hereby authorized to divide, respectively, the several Territories of the United States and the District of Columbia into convenient districts, for the purpose of collecting the internal duties above specified, and to nominate and by and with the advice and consent of the Senate appoint a collector for every such district: *Provided*, That any of the said Territories, as well as the said District of Columbia, may, if the President shall think it proper, be erected into one collection district only: *And provided also*, That if the appointment of the said collectors, or any of them shall not be made during the present session of Congress, the President shall be and he is hereby empowered to make such appointment during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

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SEC. 3. *And be it further enacted*, That the several duties laid by the acts, entitled "An act laying duties on sales at auction of merchandise and of ships and vessels;" "An act laying duties on sugar refined within the United States;" "An act laying duties on carriages for the conveyance of persons;" "An act laying duties on licenses to retail dealers in wines, spirituous liquors, and foreign merchandise;" "An act laying duties on licenses to distillers of spirituous liquors;" and "An act laying duties on notes of banks, bankers, and certain companies; on notes, bonds, and obligations discounted by banks, bankers, and certain companies, and on bills of exchange of certain descriptions," shall be laid and collected in the several Territories of the United States and in the District of Columbia, in the same manner and under the same penalties as is provided by the said acts respectively; which said acts shall to all intents and purposes, and in every respect and particular, apply and extend to the several Territories of the United States, and to the District of Columbia.

SEC. 4. *And be it further enacted*, That each of the collectors thus appointed within the several Territories of the United States, and the District of Columbia, and each collector appointed in any State, which shall under the provisions of the act, entitled "An act to lay and collect a direct tax within the United States," pay its quota into the Treasury of the United States, whereby the collection by the several collectors of the quotas of the said direct tax imposed upon the several counties or districts of such State, shall become unnecessary, shall, within three months after being thereto required, give a bond with sureties, to be approved by the Comptroller of the Treasury, for the true and faithful execution of his office, and settlement of his accounts according to law, in a sum not less than three thousand dollars; which bond shall be filed in the office of the Comptroller of the Treasury, to be by him put in suit for the benefit of the United States, upon any breach of the conditions thereof.

SEC. 5. *And be it further enacted*, That if any collector of internal duties within the United States, or the Territories thereof, shall neglect or refuse for more than three months to make up and render to the proper officers his accounts of all duties, collected or secured, pursuant to such forms as may be prescribed according to law, or to verify such accounts on oath or affirmation, if thereto required, or to pay over the moneys which shall have been collected, his bond shall be deemed forfeited, and judgment thereon shall and may be taken at the return term, on motion to be made in open court by the attorney of the United States, unless sufficient cause to the contrary be shown to and allowed by the court: *Provided always*, That the writ of process in such case shall have been executed at least fourteen days before the return day thereof.

SEC. 6. *And be it further enacted*, That the amount of all debts due to the United States by any collector of internal duties, whether secured by bond or otherwise, shall, and hereby is declared

to be a lien upon the lands and real estate of such collector, and of his sureties, if he shall have given bond, from the time when a suit shall be instituted for recovering the same; and for want of goods and chattels or other personal effects of such collector or his sureties, to satisfy any judgment which shall or may be recovered against them respectively, such lands and real estates may be sold at public auction, after being advertised for at least three weeks in no less than three public places within the collection district, and in one newspaper printed in the county, if any there be, at least six weeks prior to the time of sale; and for all lands or real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such collector or his sureties respectively.

SEC. 7. *And be it further enacted*, That there shall be allowed to the collectors of direct tax and internal duties the following commissions on the moneys received and accounted for by them, viz: On the moneys arising from the direct tax in each and every collection district, where the quota of such district shall not exceed ten thousand dollars, eight per cent.; where the quota shall exceed ten thousand dollars, and shall not exceed fifteen thousand dollars, seven per cent.; where the quota shall exceed fifteen thousand dollars, and shall not exceed twenty thousand dollars, six per cent.; where the quota shall exceed thirty thousand dollars, and shall not exceed fifty thousand dollars, four per cent.; where the quota shall exceed fifty thousand dollars, three per cent.; and on moneys arising from internal duties, six per cent.: *Provided*, That the commissions herein allowed for the collection of the direct tax and internal duties shall in no case exceed four thousand dollars to any collector.

SEC. 8. *And be it further enacted*, That it shall be lawful for the President of the United States to apportion and distribute, annually, a sum, not exceeding in the whole twenty-five thousand dollars, among such collectors as, for the execution of the public service, it shall appear to him necessary so to compensate, in addition to the other emoluments to which they are entitled: *Provided*, That no such allowance or distribution shall exceed two hundred and fifty dollars to any one collector, nor shall be made to any collector whose gross emoluments, other than this allowance, shall amount to one thousand dollars a year; nor shall, when added to the other gross emoluments of such collector, exceed one thousand dollars a year.

SEC. 9. *And be it further enacted*, That there shall be allowed to each collector for measuring, according to law, each still or boiler employed for the purpose of distillation, being under the capacity of one hundred gallons, sixty cents; and for each still or boiler as aforesaid, of the capacity of one hundred gallons or more, seventy-five cents. And the necessary expenses of procuring books, stationery, printed forms, certificates, and other documents necessary for the collection of the internal revenues and direct tax, shall and may be

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allowed to the collectors in the settlement of their accounts.

SEC. 10. *And be it further enacted,* That each collector shall be authorized to appoint, by an instrument or instruments under his hand, as many deputies within his collection district, to be by him paid and compensated for their services, as he may deem proper, whose acts officially and legally performed shall be as valid and available in every respect as if performed by the collector himself.

SEC. 11. *And be it further enacted,* That it shall be the duty of the collectors to keep accurate accounts of their official emoluments and expenditures, and the same, after being verified on oath or affirmation, to transmit annually on the last day of December, or within forty days thereafter, under a penalty of one hundred dollars, to the Commissioner of the Revenue; and abstracts of the same shall be annually laid before Congress by the Secretary of the Treasury.

SEC. 12. *And be it further enacted,* That if the appointment of the principal assessors authorized by the act, entitled "An act for the assessment and collection of direct taxes and internal duties," or of any of them, shall not be made during the present session of Congress, the President of the United States shall be and he is hereby empowered to make such appointment, during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 13. *And be it further enacted,* That the President of the United States shall be and he is hereby authorized to augment, in cases where he may find it necessary, the compensation fixed by the act aforesaid for the principal and assistant assessors, so, however, as that no principal assessor shall in any such case receive more than three hundred dollars, and no assistant assessor more than one hundred and fifty dollars.

Approved, August 2, 1813.

An Act to prohibit the use of licenses or passes granted by the authority of the Government of the United Kingdom of Great Britain and Ireland.

*Be it enacted, &c.,* That any citizen or inhabitant of the United States, or the Territories thereof, who shall obtain or use, either directly or indirectly, a license, pass, or other instrument granted by the Government of the United Kingdom of Great Britain and Ireland, or by any officer or agent thereof, for the protection of any ship, vessel, or merchandise on the high seas or elsewhere, or for the admission of any ship, vessel, or merchandise, into any port or place whatever; and any citizen or inhabitant as aforesaid, who shall be either directly or indirectly concerned or assisting in obtaining, using, granting, or selling any such license, pass, or instrument, shall, upon conviction, for every such offence, forfeit a sum equal to twice the value of any such ship, vessel, and merchandise, and shall moreover be adjudged guilty of a misdemeanor, and shall be fined in a sum not exceeding five thousand nor less than one thousand dollars; and any ship, vessel, or

merchandise, owned in whole or in part by any citizen or inhabitant of the United States, or of the Territories thereof, which shall, five days after the promulgation of this act in the nearest port, be found in the waters or within the jurisdiction of the United States, having or using a license, pass, or other instrument as aforesaid, shall be forfeited, the one half to the use of the United States, and the other half to any person or persons who shall give information thereof, and produce or procure evidence of the fact; the duties, if any, which may be payable on the importation of such merchandise, being previously paid or deducted from the proceeds of such forfeiture: *Provided however,* That the claim of any such person or persons, as derived from this act, shall not be admitted to bar, defeat, or affect any forfeiture accrued to the United States, or to any other person, which shall have been incurred by reason of an infraction of any other law of the United States.

SEC. 2. *And be it further enacted,* That any ship or vessel of the United States sailing under, or found on the high seas using a license, pass, or instrument, as described in the preceding section of this act, shall be considered and held as sailing under the flag of the Government of the United Kingdom of Great Britain and Ireland; and it shall be lawful for the commanders of the public and private armed ships and vessels of the United States and the Territories thereof, to stop and examine any ship and vessel of the United States or their Territories, on the high seas or elsewhere, which there may be reasonable ground to suspect is sailing under the protection of, or using any such license, pass, or other instrument as aforesaid; and if upon examination it shall appear that such ship or vessel is sailing under the protection of, or using any such license, pass, or other instrument, it shall be the duty of such commanders, and of each of them, to seize every such ship or vessel, and send the same to any port of the United States or the Territories thereof; and every such ship or vessel, so found sailing under the protection of, or using any such license, pass, or other instrument as aforesaid, shall, upon due proof thereof, before any court of the United States or the Territories thereof, having competent jurisdiction, be condemned, together with the cargo, and be forfeited to the sole use of the officers and crew of such public or private ship or vessel; and all forfeitures which shall accrue and be recovered in pursuance of this section, shall be distributed according to the rules prescribed by the existing laws, in cases of prizes made from the enemy; *Provided,* That nothing contained in this act, shall be so construed as to prevent the acceptance or use of a passport or any other paper authorized by the Government of the United States, or the acceptance or use of a passport granted by the commander of any ship of war of the enemy to any ship or vessel of the United States, which may have been captured and given up for the purpose of carrying persons captured by the enemy to the United States.

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SEC. 3. *And be it further enacted*, That every ship or vessel belonging wholly, or in part, to a citizen or citizens, inhabitant or inhabitants of the United States, which shall depart or clear out from any port or place within the jurisdiction of the United States, after the promulgation of this act at such port or place, shall be subject to the operation of the same; and that every ship or vessel owned as aforesaid, if the same be in any part of Europe, of the Mediterranean, or the western coast of Africa, or between the same and the United States, at the passage of this act, after the first day of November next; and if at any port or place to the east of the Cape of Good Hope, or between the same and the United States, after the first day of January next; and if in either case such vessel arrive in the United States previous to the said periods respectively, then, after her arrival, shall in like manner be subject to the operation of this act: *Provided*, That if any such ship or vessel be, in either of the foregoing cases, delayed by stress of weather or other unavoidable accident, from returning to the United States within the periods above stated, the same shall not be subject to the operations of this act, until a sufficient time shall have elapsed, after a knowledge thereof, for her return to the United States: *And provided also*, That nothing herein contained shall be so construed as to arrest or stay any prosecution or judicial proceeding now pending in any court of the United States or the Territories thereof, instituted against any citizen or inhabitant of the United States, for using, or against any ship or vessel belonging wholly or in part to any citizen or citizens, inhabitant or inhabitants of the United States, for sailing under the protection of a license or pass granted by the authority of the Government of the United Kingdom of Great Britain and Ireland, or by any person or persons acting under the authority of the same.

Approved, August 2, 1813.

An Act to amend and explain the act regulating pensions to persons on board private armed ships.

*Be it enacted, &c.*, That the act regulating pensions to persons on board private armed ships shall be construed to authorize the Secretary of the Navy to place on the pension list, under the restrictions and regulations of the said act, any officer, seaman, or marine, belonging to any private armed ship or vessel of the United States, bearing a commission of letter of marque, who shall have been wounded or otherwise disabled in the line of their duty as officers, seamen, or marines of such private armed ship or vessel.

Approved, August 2, 1813.

An Act giving further time for registering claims to land in the late district of Arkansas, in the Territory of Missouri, and for other purposes.

*Be it enacted, &c.*, That every person or persons claiming lands in the late district of Arkan-

sas, in the Territory of Missouri, who are actual settlers on the land which they claim, and whose claims have not been heretofore filed with the recorder of land titles for the Territory of Missouri, shall be allowed until the first day of January next, to deliver notices in writing and the written evidence of their claims to the recorder of land titles in the Territory aforesaid; and the notices and evidences so delivered within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees, as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the right of such persons as shall neglect so doing, within the time limited by this act, shall, so far as they are derived from or founded on any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any claim of the United States, against any grant derived from the United States.

SEC. 2. *And be it further enacted*, That the recorder of land titles for the Territory of Missouri shall have the same powers, and perform the same duties, in every respect, in relation to the claims that may be filed according to the preceding section, as the board of commissioners for ascertaining and adjusting claims to lands in the district of Louisiana would have had or should have performed, if such notice had been filed and such evidence delivered before the first day of July, one thousand eight hundred and eight, except that his decisions shall be subject to the revision of Congress.

SEC. 3. *And be it further enacted*, That it shall be the duty of the said recorder of land titles to make, to the Commissioner of the General Land Office, a report of all claims filed with the said recorder, with the substance of the evidence in support thereof; and also his opinion, and such remarks respecting the claims as he may think proper to make; which report, together with a list of the claims which, in the opinion of the said recorder, ought to be confirmed, shall be laid by the Commissioner of the General Land Office before Congress for their determination.

SEC. 4. *And be it further enacted*, That the said recorder shall be allowed fifty cents for each claim on which a decision shall be made, whether such decision shall be in favor or against the claims, which allowance shall be in full for his services under this act.

SEC. 5. *And be it further enacted*, That in every case where notice of the claim shall have been filed under former laws, and in which no testimony shall have been produced, the claimants shall be allowed until the first day of July, one thousand eight hundred and fourteen, to produce to said recorder testimony in support of such claims; and the said recorder shall, in relation to such claims, have the same powers and perform the said duties as are required of him on claims filed under this act.

Approved, August 2, 1813.



## ACTS OF THE SECOND SESSION.

An Act laying an embargo on all ships and vessels in the ports and harbors of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That an embargo be and hereby is laid on all ships and vessels in the ports and places within the limits or jurisdiction of the United States and the Territories thereof, cleared or not cleared; and that no clearance be furnished to any ship or vessel, except vessels in ballast, with their necessary sea stores, under the immediate direction of the President of the United States; and that the President be authorized to give such instructions to the officers of the revenue, and of the navy, and of the private armed vessels and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: *Provided,* That nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, in ballast, with her necessary sea stores, and with the goods, wares, and merchandise, other than provisions, military and naval stores, on board of such foreign ship or vessel when notified of this act, whose officers and crews shall consist wholly of such foreigners as did belong to nations in amity with the United States at the time of the arrival of said ship or vessel in the United States, and which shall not have nor take on board for the voyage any citizen of the United States, except such as may produce a passport therefor, to be furnished under the authority and direction of the President of the United States. And all public armed vessels possessing public commissions from any foreign Power are not to be considered as liable to the embargo laid by this act.

*SEC. 2. And be it further enacted,* That if any person or persons shall put, place, or load, on board any ship, vessel, boat, or water craft, or into any cart, wagon, sled, or other carriage or vehicle, or in any other manner attempt to convey any specie, goods, wares, merchandise, produce, provisions, naval or military stores, or any kind of live stock, with intent to export, transport, or convey the same without the United States or the Territories thereof, to any foreign place, kingdom or country, or with intent to convey the same on board any foreign ship or vessel within or without the limits of the United States, or with the intent in any other manner to evade the provisions of this act, all such specie, goods, wares merchandise, produce, provisions, naval or military stores, live stock, and also the ship, vessel, boat, water craft, cart, wagon, sled, or other carriage or vehicle, on board, or on or in which the same may be so put, placed, or loaded, as aforesaid, and also all horses, mules, and oxen, used or employed in conveying the same, shall be forfeited; and the person or persons so putting, placing, or loading the same, as aforesaid, and also the aiders and abettors therein, shall,

upon conviction, be adjudged guilty of a high misdemeanor, and fined a sum, by the court before which the conviction is had, equal to four times the value of such specie, goods, wares, merchandise, produce, provisions, naval or military stores, or live stock: *Provided, however,* That this section shall not be construed to extend to any person or persons not being the owner or owners of such specie, goods, wares, merchandise, produce, provisions, naval or military stores, who shall first inform and make complaint to the collector of the district of any such offence committed within the same district; and any informer, or informers, not being the owner or owners aforesaid, upon conviction of the offenders, shall be entitled to one half of the fine aforesaid, when the same shall be received by the United States, and shall be entitled to a certificate for that purpose from the court before whom the conviction shall be had.

*SEC. 3. And be it further enacted,* That the owner or owners, consignee or factor, of any ship, vessel, or boat, which may, at the time when notice of this act shall be received at the several custom-houses respectively, be laden in whole, or in part, shall, on notice given by the collector, either discharge such cargo, or give bond with two or more sufficient sureties, in double the value of such vessel and cargo, not to proceed on the intended voyage or trip, until permitted to do so, agreeably to the provisions of this act; and if the cargo shall not be discharged within ten days, or the bond given as aforesaid, the ship, vessel, or boat and cargo shall be wholly forfeited. And the several collectors are authorized in the meanwhile, and until the cargoes shall have been discharged, or the bond given as aforesaid, to take possession of such vessels, and to take such other measures as may be necessary to prevent their departure.

*SEC. 4. And be it further enacted,* That the President of the United States may authorize the collectors of customs, when, in his opinion, it can be done without danger of the embargo being violated, and under such limitations as he may deem expedient, to grant permission to vessels or boats, whose employment has uniformly been confined to the navigation of bays, sounds, rivers, or lakes, within the jurisdiction of the United States, or the Territories thereof, to take on board, at any time, such articles of domestic or foreign growth as may be designated in such permission, bond with one or more sufficient sureties being previously given to the United States by the owner, owners, consignee, or factors of such vessel or boat, and by the master thereof, in an amount equal to three hundred dollars for each ton of the said vessel or boat, that such vessel or boat shall not, during the time limited in the condition of the bond, depart from any district of the United States without having previously ob-

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tained a clearance, nor until the master or commander shall have delivered to the collector or surveyor of the port of departure, a manifest of the whole cargo on board, that the said vessel or boat shall not, during the time above-mentioned, proceed to any other port or place than that mentioned in her clearance, nor put any article on board of any other vessel or boat, or be employed in any foreign trade; and that, on every voyage or trip, the whole of the cargo shall be landed in a port or place of the United States or the Territories thereof, within the bay, sound, rivers, or lakes to which the navigation of such vessel is confined, and the burden of the proof of the landing of the whole of any such cargo in a port or place of the United States or the Territories thereof, within the bay, sound, rivers, or lakes, to which the navigation of such vessel or boat is confined, or in the port or place mentioned in her clearance, shall, in case of any suit or prosecution instituted on such bond for a breach of the conditions thereof, lie upon the owner or owners, consignee or factors, of such vessel or boat, or the master thereof, as the case may be: *Provided*, Such prosecution or suit be instituted within two years after such breach shall have been committed.

SEC. 5. *And be it further enacted*, That if any vessel or boat, not having received a permission, and a bond not having been first given in the manner provided for in the next preceding section, shall take on board any article or articles prohibited by this act, such vessel or boat, together with her cargo, shall be wholly forfeited, and the owner or owners, agent, freighter or factors, master or commander, of such vessel or boat, shall moreover severally forfeit and pay a sum equal to the value of the vessel or boat, and of the cargo put on board the same.

SEC. 6. *And be it further enacted*, That the person or persons, whose names do or may appear as owner or owners of any ship or vessel either on the certificate of registry, enrolment, or license of any such ship or vessel, or if neither registered or licensed, on the last clearance or custom-house documents issued before the passing of this act for such ship or vessel, shall be reputed as the true owner or owners of such ship or vessel, and be liable to the payment of all penalties which may be incurred by the owners of such ship or vessel, by reason of any violation of any of the provisions of this act: *Provided, always*, That nothing in this section contained shall be construed to release any other person or persons from the payment of any penalty incurred by virtue of this act. And in case of any new register or license being granted during the continuance of this act, or in case of the sale of any ship or vessel neither registered or licensed, a bond with one or more sureties to the United States shall, previous to the granting any such new register or license, or to recognising the sale of such vessel not registered or licensed, be required by the collector, in an amount equal to three hundred dollars of each ton of such ship or vessel, that such ship or vessel shall not, during the continuance

of this act, contravene or infringe any of the provisions thereof: *Provided*, That nothing herein contained shall be construed to extend to the owner or owners of any ship or vessel who shall have made a bona fide sale of such ship or vessel, in any port or harbor of the United States, before notice of this act at such port or harbor respectively, nor to the owner or owners of any ship or vessel, in any foreign port or place, who shall have made a bona fide sale thereof before notice of this act: *And provided also*, That such bond shall not release the owners and master of such ship or vessel, or any other person, from the obligation of giving every other bond required by this act.

SEC. 7. *And be it further enacted*, That the owner or owners of all vessels licensed for fisheries, or those bound on a whaling voyage, and having no other cargo than necessary sea stores, salt, and the usual fishing tackling and apparel, shall give a general bond in four times the value of the vessel and cargo that they will not, during the continuance of this act, proceed to any foreign port or place, and will return with their fishing fare to some port or place within the United States.

SEC. 8. *And be it further enacted*, That if any ship or vessel shall, during the continuance of this act, depart from any port of the United States without a clearance or permit, or if any ship or vessel shall, contrary to the provisions of this act, proceed to a foreign port or place, or trade with, or put on board of, any other ship or vessel any article or articles prohibited by this act, such ship or vessels, goods, wares, merchandise, produce, provisions, naval or military stores, shall be wholly forfeited; and if the same shall not be seized, the owner or owners, agent, freighter, or factors of any such ship or vessel shall, for every such offence, forfeit and pay a sum equal to double the value of the ship or vessel and cargo, and shall never thereafter be allowed a credit for duties on any goods, wares, and merchandise, imported by him or them into any of the ports of the United States; and the master or commander of such ship or vessel, as well as all other persons who shall knowingly be concerned in any such violations of this act, shall each, respectively, forfeit and pay a sum not exceeding twenty thousand dollars for every such offence, whether the vessel be seized and condemned or not, and shall be imprisoned for a term not less than six calendar months, nor exceeding one year; and the oath or affirmation of any master or commander knowingly offending against the provisions of this section, shall ever thereafter be inadmissible before any collector of the customs of the United States.

SEC. 9. *And be it further enacted*, That if any foreign ship or vessel shall, during the continuance of this act, take on board any specie, goods, wares, merchandise, produce, provisions, naval or military stores, other than the provisions and sea stores necessary for the voyage, such ship or vessel, and the specie and cargo on board, shall be wholly forfeited, and may be seized and con-

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demned in any court of the United States having competent jurisdiction; and every person concerned in such unlawful shipment, shall forfeit and pay a sum not exceeding twenty thousand dollars for every such offence.

SEC. 10. *And be it further enacted*, That the collectors of all the districts of the United States and the territories thereof, shall be, and they are hereby, authorized to take into their custody, any specie, goods, wares, merchandise, produce, provisions, naval or military stores, or live stock, found on board of any ship or vessel, boat or other water craft, when there is reason to believe that they are intended for exportation, or when in vessels, carts, wagons, sleighs, or in any other carriage, or in any manner apparently on their way towards the territories of a foreign nation, or the vicinity thereof, or towards a place whence such articles are intended to be exported, or placed in the possession of the enemies of the United States; and not to permit such articles to be removed, until bond, with sufficient sureties, shall have been given for the landing or delivery of the same in some place of the United States, whence, in the opinion of the collector, there shall not be any danger of such articles being exported or placed in the possession of the enemies of the United States.

SEC. 11. *And be it further enacted*, That the powers given to the collectors by this act, to refuse permission to put any cargo on board any vessel, boat, or other water craft, to detain any vessel, or to take into their custody any articles for the purpose of preventing violations of the embargo, shall be exercised in conformity with such instructions as the President may give, and such rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid; which instructions and rules the collector shall be bound to obey. And if any action or suit be brought against any collector or other person acting under the directions of, and in pursuance of this act, he may plead the general issue, and give this act, and the instructions and regulations of the President, in evidence for his justification and defence. And any person aggrieved by the acts of any collector, in either of the cases aforesaid, may file his petition before the district court of the district wherein the collector resides, stating the facts of his case, and thereupon, after due notice given to the district attorney and the collector, the said court may summarily hear and adjudge thereupon, as law and justice may require; and the judgment of said court, and the reason and facts whereon it is grounded shall be filed among the records of said court; and if restoration of the property detained or taken in custody, or permission to load, as aforesaid, shall be decreed, it shall be upon the party's giving such bond with sureties, as is or shall be required to be taken in similar cases by the collector, and not otherwise; but if the said court shall adjudge against such petition, the collector shall be entitled to treble costs, which shall be taxed for him, and execution awarded accordingly by the court.

SEC. 12. *And be it further enacted*, That it

shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States, or of the territories thereof, as may be judged necessary, in conformity with the provisions of this act, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and guarding any specie, goods, wares, merchandise, produce, provisions, naval or military stores, or live stock, and, also, for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of this act, or otherwise violating or assisting and abetting violations of the same.

SEC. 13. *And be it further enacted*, That it shall be lawful for the public and private armed vessels of the United States to capture and seize, on the high seas or elsewhere, any ship or vessel which shall have violated any of the provisions of this act, and to send the same into any port of the United States for adjudication.

SEC. 14. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, may be prosecuted, sued for, and recovered by action of debt, or by indictment or information, as the case may require, and if recovered in consequence of any seizure made by the commander of any public armed vessel of the United States, shall be distributed according to the rules prescribed by the act, entitled "An act for the government of the Navy of the United States," and if in consequence of any seizure made by any private armed vessel of the United States, shall be distributed according to the rules prescribed by the act, entitled "An act concerning letters of marque, prizes, and prize goods," and the act in addition thereto; and if otherwise, shall be distributed and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred; and any officer or other person, entitled to a part or share of any of the fines, penalties, or forfeitures aforesaid, may, if necessary, be a witness on the trial therefor, but in such case he shall not receive any part or share of the said fine, penalty, or forfeiture, but the part or share to which he would otherwise be entitled shall belong to the United States.

SEC. 15. *And be it further enacted*, That the time during which this act shall continue in force, shall not be computed as making part of the term of twelve calendar months during which goods,

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wares, or merchandise, imported into the United States, must be exported in order to be entitled to a drawback of the duties paid on the importation thereof.

SEC. 16. *And be it further enacted*, That nothing in this act contained, shall prevent the sailing of any private armed vessel duly commissioned by any foreign power in amity with the United States, nor of any vessel of the United States duly commissioned by any foreign power in amity with the United States, nor of any vessel of the United States duly commissioned by virtue of an act, entitled "An act concerning letter of marque, prizes, and prize goods," passed on the twenty-sixth day of June, one thousand eight hundred and twelve: *Provided always, nevertheless*, That it shall be lawful for, and the duty of all officers of the customs and revenue officers of the United States, and they are hereby enjoined, to examine, search, and effectually ascertain the amount and kind of articles all such vessels about sailing may have on board, so as to prevent their taking any cargo or other lading than the stores, provisions, armament, furniture, and equipment, generally proper and necessary for such vessels.

SEC. 17. *And be it further enacted*, That whenever it shall appear, on report made to any collector of the customs, by any officer of the customs, revenue officer, or other person, that any private armed vessel has on board any article or articles whatever, goods, wares, merchandise, or cargo of any description, intended for trade or traffic with the enemies of the United States, either directly or intermediately through any neutral or other person or persons, or for exportation, it shall be the duty of the said collector, and he is hereby authorized to seize all such articles, goods, wares, merchandise, and cargo of every description, and to have the same landed forthwith, to be proceeded against as forfeited to the United States.

SEC. 18. *And be it further enacted*, That in all such cases it shall be the duty of the District Attorney of the United States, for the district within which the said proceedings shall take place, to proceed in due form of law for the condemnation and forfeiture of the said articles to the use of the United States.

SEC. 19. *And be it further enacted*, That in all cases of condemnation as aforesaid, the captain or other commanding officer, and each and every of the owners of such private armed vessels, shall be fined in a sum not exceeding one thousand dollars each.

SEC. 20. *And be it further enacted*, That this act shall be in force from and after the passing thereof, until the first day of January, in the year of our Lord one thousand eight hundred and fifteen, unless a cessation of hostilities between the United States and Great Britain and Ireland and their dependencies, shall take place before that day; in which event, or in any other event that shall, in the opinion of the President, render the termination of the embargo hereby imposed compatible with the public interest, the President of

the United States is hereby authorized to declare by proclamation, that this act is to cease and have no effect.

H. CLAY,

*Speaker of the House of Representatives.*

J. B. VARNUM,

*President pro tempore of the Senate.*

Approved, December 17, 1813.

JAMES MADISON.

An Act making certain partial appropriations for the year one thousand eight hundred and fourteen.

*Be it enacted, &c.*, That a sum of one million five hundred thousand dollars be and the same is hereby appropriated towards defraying the expenses of the Military Establishment of the United States during the year one thousand eight hundred and fourteen.

SEC. 2. *And be it further enacted*, That the following sums be appropriated for the purposes herein recited, that is to say: Towards defraying the compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, during the year one thousand eight hundred and fourteen, the sum of fifty thousand dollars.

Towards defraying the contingent expenses of the House of Representatives, during the year one thousand eight hundred and fourteen, ten thousand dollars.

Towards defraying the contingent expenses of the Senate, during the year one thousand eight hundred and fourteen, three thousand dollars.

Towards defraying the expenses of the Navy of the United States, for the year one thousand eight hundred and fourteen, the sum of one million of dollars.

SEC. 3. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of any moneys in the Treasury not otherwise appropriated.

Approved, January 11, 1814.

An Act to amend the seventh section of the act, entitled "An act to lay and collect a direct tax within the United States."

*Be it enacted, &c.*, That in every case where the Legislature of a State shall not convene prior to the first day of January, one thousand eight hundred and fourteen, no notice of the assumption of the quota of such State of the direct tax shall be deemed necessary; and such State shall be allowed until the twentieth of February next for making payment, and shall receive thereon the same deduction as if such payment had been made on the tenth day of February.

Approved, January 17, 1814.

An Act authorizing the President of the United States to grant certain permissions to the inhabitants of the island of Nantucket.

*Be it enacted, &c.*, That, during the continuance of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, it shall be lawful for the President of the

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United States, and he is hereby authorized and empowered, when in his opinion the public interest shall not forbid it, to grant permission, on application made therefor, to any inhabitant or inhabitants of the island of Nantucket, to employ any ship, vessel, or boat, for the purpose of conveying from the main land to said island, fuel, provisions, and other necessities for the subsistence of the inhabitants thereof, and of carrying from Nantucket to the main land, in the ship, vessel, or boat, oil, spermaceti candles, and fish, under such regulations and restrictions, and with such security as are required by the fourth section of the act "laying an embargo on all ships and vessels in the ports and harbors of the United States."

Approved, January 25, 1814.

An Act making further provision for filling the ranks of the regular Army, encouraging enlistments, and authorizing the re-enlistments, for longer periods, of men whose terms of service are about to expire.

*Be it enacted, &c.,* That, in order to complete the present Military Establishment to the full number authorized by law with the greatest possible despatch, there shall be paid to each effective able bodied man who shall, after the first day of February next, be enlisted into the Army of the United States, to serve for the term of five years, or during the war, at his election, in lieu of the bounty in money and of the three months' pay at the expiration of the service now allowed by law, the sum of one hundred and twenty-four dollars; fifty dollars of which to be paid at the time the recruit is enlisted, fifty dollars when he shall be mustered and have joined some military corps for service, and twenty-four dollars when he shall be discharged from service; and the wife and children, and, if he leave no wife or children, the parents of such non-commissioned officer and soldier enlisted as hereinbefore stated, who may be killed in action, or die in the service of the United States, shall be allowed and paid the sum of twenty-four dollars; and, after the said first day of February next, so much of the fourth section of the act, entitled "An act for the more perfect organization of the Army of the United States," passed the twentieth day of January, one thousand eight hundred and thirteen, as allows to each able bodied man enlisted into the service of the United States, in the manner therein stated, an advance of twenty-four dollars on account of his pay, shall be and the same is hereby repealed.

*Sec. 2. And be it further enacted,* That the sum of eight dollars shall be paid to any non-commissioned officer, soldier, or citizen, who shall, after the first day of February next, furnish and procure to be enlisted, according to law, an able bodied man to serve for the term of five years, or during the war.

*Sec. 3. And be it further enacted,* That every non-commissioned officer, musician, and private, who has been recruited in the regular Army of the United States, under the authority of the act

of the eighth of April, one thousand eight hundred and twelve, entitled "An act in addition to the act, entitled 'An act to raise an additional military force,' passed January eleventh, one thousand eight hundred and twelve," may be re-enlisted for the term of five years, or during the war; and that every non-commissioned officer, musician, and private, recruited under authority of the act of the twenty-ninth of January, one thousand eight hundred and thirteen, entitled "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes,' may be re-enlisted for five years, or during the war.

*SEC. 4. And be it further enacted,* That the non-commissioned officers, musicians, and privates, re-enlisted under the authority of the preceding section, shall be entitled to the bounty allowed by this act to recruits for five years or for the war.

Approved, January 27, 1814.

An Act for the appointment of an additional Judge for the Missouri Territory, and for other purposes.

*Be it enacted, &c.,* That there shall be appointed an additional Judge for the Missouri Territory, who shall hold his office for the term of four years, unless sooner removed, shall reside at or near the village of Arkansas, and who shall possess and exercise within the limits of the late district of Arkansas, as fixed and established while the same was a part of the Territory of Louisiana, or as the limits shall be established by the General Assembly of the Missouri Territory, the jurisdiction now possessed and exercised in said district, by the court of common pleas, as well as that possessed and exercised by the superior court within the said district, and to the exclusion of the original jurisdiction of the said court of common pleas and superior court within the same: *Provided, always,* That the said superior court, or any judge thereof, in pursuance of the laws now in force in said Territory, or of any laws hereafter to be made for the purpose, shall have full power and authority to issue writs of error to the court established by this act; and said superior court shall have cognizance thereof, and also of all appeals for error in law in all causes in which appeals are by law allowed from the courts of common pleas to said superior court.

*SEC. 2. And be it further enacted,* That the said superior court is hereby authorized, upon the reversal of a judgment of the court established by this act, to render such judgment as the said court ought to have rendered, except where the reversal is in favor of the plaintiff in the original suit, and the debt or damages to be assessed are uncertain, in which case the cause shall be remanded for a final determination.

*SEC. 3. And be it further enacted,* That no writ of error shall operate as a supersedeas, unless the plaintiff in error shall give security, to be approved of by a judge of the superior court, to prosecute his writ to effect and pay the condemna-

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tion money and all costs, or otherwise abide the judgment which may be rendered on such writ of error.

SEC. 4. *And be it further enacted*, That the judge to be appointed by virtue of this act shall appoint a clerk of said court, who shall be commissioned by the Governor, and hold his office during the temporary government of said Territory, unless sooner removed by said judge.

SEC. 5. *And be it further enacted*, That the said court established by this act shall hold two terms in each and every year in the said village of Arkansas, to commence on the first Mondays in April and September annually, and shall continue in session until all the business before it shall be disposed of: *Provided always*, That the General Assembly of the said Territory shall have power to alter the times and place of holding the said court.

SEC. 6. *And be it further enacted*, That the judge, to be appointed by virtue of this act, shall receive the same salary, and payable in the same manner, which is established by law for the judges of said superior court in the said Territory of Missouri.

Approved, January 27, 1814.

An Act authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years, or during the war.

*Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized and empowered to cause to be enlisted, for the term of five years, or during the war, the fourteen regiments of infantry which are now by law authorized to be enlisted for the term of one year, or such number of them, or of the troops composing the same, as in his opinion will best promote the public service.

SEC. 2. *And be it further enacted*, That each man enlisted under the authority of this act shall be allowed the same bounty in money and land as is now by law allowed to men enlisted for five years or during the war, and that the officers, non-commissioned officers, musicians, and privates, shall receive the same pay, clothing, subsistence, and forage, be entitled to the same benefits, be subject to the same rules and regulations, and be placed in every respect on the same footing as the other regular troops of the United States.

Approved, January 28, 1814.

An Act to raise three regiments of Riflemen.

*Be it enacted, &c.*, That there be immediately raised such number of regiments of riflemen, not exceeding three, as in the opinion of the President will best promote the military service, to serve for five years, or during the war, unless sooner discharged.

SEC. 2. *And be it further enacted*, That each regiment shall consist of one colonel, one lieutenant colonel, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, one surgeon's mate, one sergeant major, one quartermaster's sergeant, two principal musicians, and ten companies.

SEC. 3. *And be it further enacted*, That each company shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, and one ensign, five sergeants, four corporals, two musicians, and ninety privates.

SEC. 4. *And be it further enacted*, That each man recruited under the authority of this act be allowed the same bounty in land and money as is allowed by law to men enlisted for five years, or during the war, and that the officers, non-commissioned officers, musicians, and privates, shall receive the same pay, clothing, subsistence, and forage, be entitled to the same provisions for wounds or disabilities, the same benefits and allowances, and be placed in every respect on the same footing as the other regular troops of the United States.

SEC. 5. *And be it further enacted*, That each company of the regiment of riflemen authorized to be raised by the act of April twelfth, one thousand eight hundred and eight, shall consist of ninety privates.

Approved February 10, 1814.

An Act for giving further time to purchasers of public lands to complete their payments.

*Be it enacted, &c.*, That every person who, prior to the first day of April, one thousand eight hundred and ten, had purchased any tract or tracts of land of the United States not exceeding in the whole six hundred and forty acres, unless the tract purchased be a fractional section or sections or fractional sections classed with an entire section, at any of the land offices, and whose lands have not already been actually sold or reverted to the United States for non-payment of part of the purchase money, shall be allowed the further time of three years, from and after the expiration of the present period already given by law, for completing the payment of the said purchase money; which further term of three years shall be allowed only on the following condition: First, that all arrears of interest on the purchase money shall have been paid on or before the time shall have expired for completing the payment of the purchase money: *Provided*, That in all cases in which the time for completing the payment of the purchase money may have expired or shall expire before the first day of June next, the interest may be paid on or before that day. Second, that the residue of the sum due on account of the principal of such purchase shall be paid with interest thereon, in three equal annual payments, as follows: viz: one third of the said residue, with the interest which may be due thereon, within one year; another third of the said residue, with the interest which may be due thereon, within two years; and the remaining third of the said residue, with the interest due thereon, within three years, after the expiration of the time for completing the payment on account of such purchase according to former laws. And in case of failure in paying either the arrears of interest or any of three instalments of principal with the accruing interest, at the time and times above mentioned, the tract of land shall be forthwith advertised and offered



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for sale in the manner and on the terms directed by law, in case of lands not paid for within the limited term, and shall revert in like manner, if the sum due with interest be not at such sale bidden and paid: *Provided*, That the benefit of this act shall not extend to any person or persons on account of any purchase of any tract or tracts of land made at any of the land offices, northwest of the river Ohio, prior to the first day of April, one thousand eight hundred and nine.

Approved, February 19, 1814.

An Act to continue in force an act to raise ten additional companies of Rangers.

*Be it enacted, &c.*, That the act, entitled "An act to raise ten additional companies of rangers," passed the twenty-fifth day of February, one thousand eight hundred and thirteen, be and the same is hereby continued in force for one year from and after the date of the passage of this act.

Approved, February 24, 1814.

An Act to authorize the President to receive into service certain Volunteer Corps.

*Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to receive into the service of the United States such proportion of the volunteers authorized by the act of sixth February, one thousand eight hundred and twelve, and the act supplementary thereto, of the sixth July, one thousand eight hundred and twelve, and accepted under the authority of said acts, as in his judgment the public service may require: *Provided*, That the volunteers so received shall engage to serve for five years or during the war, unless sooner discharged.

SEC. 2. *And be it further enacted*, That volunteers which shall be taken into service under the authority of the preceding section, shall be entitled to the same bounty, pay, rations, clothing, forage, and emoluments of every kind, and to the same benefits and allowances as the regular troops of the United States.

SEC. 3. *And be it further enacted*, That the officers of corps of volunteers which shall be taken into service shall rank according to grade, and the dates of their commissions or appointments, with other officers of the Army.

Approved, February 24, 1814.

An Act to provide for the return to their own districts of vessels detained by the embargo in districts other than those where they are respectively owned or belong.

*Be it enacted, &c.*, That it shall be lawful for the President of the United States to authorize the collectors of the customs to grant permission to ships or vessels of the United States, which, at the time when the masters thereof received notice of the act passed on the seventeenth day of December last, "laying an embargo on all ships and vessels in the ports and harbors of the United States," were in a district other than that where the said ships or vessels were owned or

belonged, to return to the district where the owner or owners of such ships or vessels reside, in ballast, or with the cargoes, other than provisions, naval and military stores, which were on board the same when the masters received notice of the act as aforesaid: *Provided*, That no such permission shall be granted until the owner or master of such ship or vessel, together with one or more sufficient sureties, shall have given bond in four times the value of such vessel, and of the cargo, if any there be on board, conditioned that the said ship or vessel shall not proceed to any other port or place than that mentioned in her clearance, nor put any article on board of any other vessel or boat during the voyage. And if such ship or vessel shall proceed to any foreign port or place, or put any article on board of any other vessel or boat during the voyage, or be guilty of any other act contrary to the provisions of the act before mentioned, "laying an embargo on all ships and vessels in the ports and harbors of the United States," or contrary to the provisions of this act, the said ship or vessel, her tackle and apparel, shall be forfeited, and the master shall moreover forfeit and pay a sum not exceeding twenty thousand dollars, and shall be imprisoned for a term not less than six months nor exceeding one year.

SEC. 2. *And be it further enacted*, That the master of every vessel receiving a permission under this act shall, before the departure of the same from port, make out, under oath, and deliver to the collector of the district, a list of the seamen on board the same, the whole of which shall be landed at the port or place to which the vessel is permitted to proceed, under penalty of five hundred dollars, to be recovered of the master of such vessel before any court of the United States having competent jurisdiction, for every seaman which shall not be thus landed, except death or other unavoidable casualty shall prevent the same. And no vessel receiving such permission shall take on board a number of seamen more than sufficient to navigate the same, of the sufficiency of which number the collector shall be the judge, and shall be authorized to refuse a clearance and permission to depart, if the number of seamen on board shall exceed that which may in his opinion be necessary. No passengers shall be transported in such vessel, other than the owner, supercargo, or agent for the same, or for the cargo, if any there be on board.

SEC. 3. *And be it further enacted*, That no ship or vessel shall be entitled to the benefit of this act, unless the permission hereby authorized to be granted shall be applied for within three months after the passage thereof.

SEC. 4. *And be it further enacted*, That the President of the United States may instruct the collectors of the customs, under such restrictions and limitations as he may deem proper, to clear out for any district within the United States, or the Territories thereof, any vessels wholly employed in the transportation of military or naval stores, provisions, or other articles on public account; and if any such vessel, after the delivery

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of such public property at any port or place within the United States or the Territories thereof, shall cease to be employed in the transportation of public property as aforesaid, such vessel may be permitted to return to the port or place of lading, or proceed in ballast only to the district to which such vessel may belong, anything in the "Act laying an embargo on all ships and vessels in the ports and harbors of the United States," passed during the present session of Congress, to the contrary notwithstanding.

Approved, March 4, 1814.

An Act to authorize the issuing of Treasury Notes for the service of the year one thousand eight hundred and fourteen.

*Be it enacted, &c.,* That the President of the United States be and he is hereby authorized to cause Treasury notes, for a sum not exceeding five millions of dollars, to be prepared, signed, and issued, in the manner hereinafter provided.

SEC. 2. *And be it further enacted,* That the President of the United States be and he is hereby authorized to cause Treasury notes for a further and additional sum, not exceeding in the whole five millions of dollars, or such part thereof as he shall deem expedient, to be prepared, signed, and issued, in the manner hereinafter provided: but the amount of money borrowed or obtained for the notes which may be issued by virtue of this section, shall be deemed and held to be in part of the sum which may be authorized to be borrowed by virtue of any act authorizing a loan which may be passed during the present session of Congress.

SEC. 3. *And be it further enacted,* That the said Treasury notes shall be reimbursed by the United States at such places, respectively, as may be expressed on the face of such notes, one year respectively after the day on which the same shall have been issued; from which day of issue they shall bear interest at the rate of five and two-fifths per centum a year, payable to the owner or owners of such notes, at the Treasury, or by the proper commissioner of loans, or by the officer designated for that purpose, at the places and times respectively designated on the face of said notes for the payment of principal.

SEC. 4. *And be it further enacted,* That the said Treasury notes shall be respectively signed in behalf of the United States by persons to be appointed for that purpose by the President of the United States, two of which persons shall sign each note, and shall each receive as a compensation for that service, at the rate of one dollar and twenty-five cents for every hundred notes thus signed by them respectively: and the said notes shall likewise be countersigned by the commissioner of loans for that State where the notes may respectively be made payable, or by the Register of the Treasury, if made payable in the District of Columbia, or by a person to be appointed for that purpose by the President of the United States, if made payable in a State for which there is no commissioner of loans; which

person or persons thus appointed shall also receive as a compensation for that service at the rate of one dollar and twenty-five cents for every hundred notes thus signed by him or them respectively.

SEC. 5. *And be it further enacted,* That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said Treasury notes as the President may think expedient, in payment of supplies or debts due by the United States, to such public creditors or other persons as may choose to receive such notes in payment as aforesaid, at par; and the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow, from time to time, not under par, such sums as the President may think expedient, on the credit of such notes; or to sell, not under par, such portion of the said notes as the President may think expedient: and it shall be a good execution of this provision, to pay such notes to such bank or banks as will receive the same at par, and give credit to the Treasurer of the United States for the amount thereof, on the day on which the said notes shall thus be issued and paid to such bank or banks respectively.

SEC. 6. *And be it further enacted,* That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to employ an agent or agents for the purpose of selling any portion of the notes which may be issued by virtue of this act. A commission not exceeding one quarter of one per cent. on the amount thus sold may, by the Secretary of the Treasury, be allowed to such agent or agents, and a sum not exceeding twelve thousand five hundred dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, is hereby appropriated for paying such commission or commissions as may be thus allowed.

SEC. 7. *And be it further enacted,* That the said Treasury notes shall be transferrable by delivery and assignment, endorsed thereon by the person to whose order the same shall, on the face thereof, have been made payable.

SEC. 8. *And be it further enacted,* That the said Treasury notes, wherever made payable, shall be everywhere received in payment of all duties and taxes laid by the authority of the United States, and of all public lands sold by the said authority. On every such payment credit shall be given for the amount of both the principal and the interest which, on the day of such payment, may appear due on the note or notes thus given in payment; and the said interest shall, on such payments, be computed at the rate of one cent and one-half of a cent per day, on every hundred dollars of principal, and each month shall be computed as containing thirty days.

SEC. 9. *And be it further enacted,* That any person making payment to the United States in the said Treasury notes, into the hands of any

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collector, receiver of public moneys, or other public officer or agent, shall, on books kept according to such forms as shall be prescribed by the Secretary of the Treasury, give duplicate certificates of the number and respective amount of principal and interest of each and every Treasury note thus paid by such person: and every collector, receiver of public moneys, or other public officer or agent, who shall thus receive any of the said Treasury notes in payment, shall, on payment of the same into the Treasury or into one of the banks where the public moneys are or may be deposited, receive credit both for the principal and for the interest computed as aforesaid, which, on the day of such last mentioned payment, shall appear due on the note or notes thus paid in; and he shall be charged for the interest accrued on such note or notes from the day on which the same shall have been received by him, in payment as aforesaid, to the day on which the same shall be paid by him as aforesaid: *Provided always*, That no such charge or deduction shall be made with respect to any bank into which payments as aforesaid may be made to the United States, either by individuals, or by collectors, receivers, or other public officers or agents, and which shall receive the same as specie, and give credit to the Treasurer of the United States for the amount thereof, including the interest accrued and due on such notes on the day on which the same shall have been thus paid into such bank on account of the United States.

SEC. 10. *And be it further enacted*, That the Commissioners of the Sinking Fund be and they are hereby authorized and directed to cause to be reimbursed and paid, the principal and interest of the Treasury notes which may be issued by virtue of this act, at the several times when the same, according to the provisions of this act, should be thus reimbursed and paid; and the said Commissioners are further authorized to make purchases of the said notes, in the same manner as of other evidences of the public debt, and at a price not exceeding par, for the amount of the principal and interest due at the time of purchase of such notes. So much of the funds constituting the annual appropriation of eight millions of dollars for the payment of the principal and interest of the public debt of the United States as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of the said debt as the United States are now pledged annually to pay and reimburse, including therein the interest and principal which may become payable upon any loan or loans which may be contracted by virtue of any law passed during the present session of Congress, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement or purchase of the principal of the said notes; and so much of any moneys in the Treasury, not otherwise appropriated, as may be necessary for that purpose, is hereby appropriated for making up any deficiency in the funds thus pledged and appropriated for paying the principal and interest as aforesaid; and the

Secretary of the Treasury is hereby authorized and directed, for that purpose, to cause to be paid to the Commissioners of the Sinking Fund such sum or sums of money, and at such time or times as will enable the said commissioners faithfully and punctually to pay the principal and interest of the said notes.

SEC. 11. *And be it further enacted*, That a sum of twenty thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated, be and the same is hereby appropriated for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing of the Treasury notes authorized by this act.

SEC. 12. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note, in imitation of, or purporting to be, a Treasury note as aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any Treasury note, issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any false forged, or counterfeited note, purporting to be a Treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered Treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Approved, March 4, 1814.

An Act to establish the mode of laying off the Territory of Indiana into districts, for the election of its members of the Legislative Council.

*Be it enacted, &c.*, That the House of Representatives of the Indiana Territory be and it is hereby empowered, from time to time, to lay off the said Territory into five districts for the election of the members of the Legislative Council of the Territory aforesaid.

SEC. 2. *And be it further enacted*, That the districts established by Governor Harrison, in the year of our Lord one thousand eight hundred and nine, shall remain, as the lawfully authorized districts for the election of the members of the Legislative Council of said Territory, until the House of Representatives thereof shall have exercised the power vested in that body by the first section of this act.

Approved, March 4, 1814.

An Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States.

*Be it enacted, &c.*, That if any officer, seaman or marine, serving on board of any private armed

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ship or vessel bearing a commission of letter of marque, shall die, or shall have died since the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, by reason of a wound received in the line of his duty, leaving a widow, or if no widow, a child or children sixteen years of age, such widow, or if no widow, such child or children shall be placed on the pension list by the Secretary of the Navy, who shall allow to such widow, child or children, half the monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, under "An act regulating pensions to persons on board private armed ships;" which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased: *Provided*, That the half pay shall cease on the death of such child or children. And the several pensions hereby directed shall be paid by direction of the Secretary of the Navy out of the fund provided by the seventeenth section of an act, entitled "An act concerning letters of marque, prizes and prize goods," and from no other.

SEC. 2. *And be it further enacted*, That if any seaman or marine belonging to the Navy of the United States shall die, or if any officer, seaman or marine, belonging to the Navy of the United States, shall have died, since the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, by reason of a wound received in the line of his duty, leaving a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased: *Provided*, That such half pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

Approved, March 4, 1814.

An Act authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating batteries, for the defence of the waters of the United States.

*Be it enacted, &c.*, That the sum of five hundred thousand dollars be and the same is hereby appropriated, for the purpose of building, equipping, and putting into service, one or more floating batteries, of such magnitude and construction as shall appear to the President of the United States best adapted to attack, repel, or destroy any of the ships of the enemy which may approach the shores or enter the waters of the United States; and that the sum hereby appropriated shall be

paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 9, 1814.

An Act to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia.

*Be it enacted, &c.*, That those who shall become subscribers to the company, their successors and assigns, shall be, and are hereby created, a body politic, by the name and style of the "Fire Insurance Company of Alexandria;" and shall by that name have succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of law in the United States.

SEC. 2. *And be it further enacted*, That a subscription be opened in the town of Alexandria, under the direction of James B. Nickolls, Cuthbert Powell, Jonah Thompson, Thomas Vowell, and James H. Hooe, George Taylor, John McKenney, Philip Triplett, Craven T. Peyton, and Nathaniel Wattles, or a majority of them, for raising a capital stock of two hundred and fifty thousand dollars in shares of twenty-five dollars each; and that each person upon subscribing pay to the persons abovementioned, five dollars upon each share so subscribed for; and that the remainder of the twenty-five dollars shall be secured by negotiable notes, signed and endorsed to the satisfaction of the aforesaid James B. Nickolls, Cuthbert Powell, Jonah Thompson, Thomas Vowell, and James H. Hooe, George Taylor, John McKinney, Philip Triplett, Craven T. Peyton and Nathaniel Wattles, or a majority of them, and payment thereof may be thereafter demanded at such times, and in such proportions, as the president and directors hereafter mentioned shall judge advisable, giving six weeks notice in at least three of the gazettes printed in the District of Columbia.

SEC. 3. *And be it further enacted*, That every subscriber shall be entitled to vote, by himself, his agent, or proxy, appointed under his hand and seal, attested by two witnesses, at all elections made by virtue of this act, and shall have as many votes as he holds shares as far as ten shares; one vote for every five shares which he may hold over ten shares, as far as fifty other shares; and one vote for every thirty shares which he may hold over sixty shares. And every stockholder (not in debt to the company) may at pleasure, in person, or by power of attorney, assign and transfer his stock in the company, on the books of the same, or any part thereof not being less than a whole share; but no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend, until such debt is paid or secured to the satisfaction of the president and directors.

SEC. 4. *And be it further enacted*, That, as soon as five thousand shares shall be subscribed, the persons hereby authorized to receive subscriptions shall call a meeting of the subscribers, giving two weeks notice in three of the papers printed within the district; and the subscribers who shall assemble in person, or by proxy, shall choose by ballot,

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from among the stockholders, by a majority of votes, twelve directors, who shall continue in office until the first Monday in November, in the year one thousand eight hundred and fourteen, on which Monday in November, in every succeeding year thereafter, an election shall be held for twelve directors as aforesaid, who shall continue in office for one year from the time of their election, and until others be chosen in their stead. And the said directors, at their first meeting, shall choose amongst themselves, or the stockholders at large, a president, and allow him a reasonable compensation for his services; and in case of death, removal, resignation, or other disqualification of the president, or any of the directors, the remaining directors may elect others to supply their place, during the remainder of the term for which they were chosen; and in every case where one of the directors shall be chosen president, the vacancy shall be supplied as in the case of death, removal, or resignation. That the persons hereby authorized to receive subscriptions, or any three of them, be a committee to superintend the first election of directors, and a committee of five stockholders, not being directors, be appointed by the directors, to superintend every succeeding election.

SEC. 5. *And be it further enacted*, That the president and directors shall have authority to ordain and make such by-laws, ordinances, and regulations, as shall appear necessary for regulating and conducting the concerns of the company, not being contrary to this act, or the laws and Constitution of the United States. And the funds of the company as they shall arise may be vested in the stock of any of the banks in the United States, such personal property or ground rents, as the president and directors shall judge most advantageous: *Provided always and be it enacted*, That the funds and property of this company, of whatever description, are declared to be liable to attachment and execution for debt, in like manner as personal property.

SEC. 6. *And be it further enacted*, That the members of the company shall not be liable for any loss, damage, or responsibility, other than the property they have in the capital and funds of the company to the amount of the shares respectively held by them, and any profits arising therefrom not divided: *Provided*, That the said corporation shall, from time to time, apply all sums of money received by them for premiums to the payment of losses in the first instance, and to make up the amount of their original capital whenever it shall have suffered any diminution by losses, and that dividends shall be made of the net profits arising on the capital stock, at such periods as the president and directors may judge proper, not oftener than once in six months; and the same shall be paid to the stockholders or their legal representatives; but if a dividend shall be at any time declared of a greater amount than the net proceeds of the said company at the time of making the same, each and every director that consented thereto shall, and is hereby declared to be liable for, in his individual capacity, and bound

to contribute to make good the deficiency in the capital stock occasioned by such improper dividend.

SEC. 7. *And be it further enacted*, That the president and directors shall have the disposal, direction, and management of those shares which may not be disposed of at the formation of the company, and power also to provide by purchase or otherwise a suitable place for an office, to make all rules and regulations for conducting the business of insurance and the concerns of the company, not provided for by this act; to appoint a secretary and such other officers as they may find necessary, and to make such compensation for their services as they may deem proper. That they shall have full power and authority to make insurances against fire, on any and every description of property: all policies of insurance and other contracts made by said company, signed by the president, and countersigned by the secretary, shall be obligatory on said company, and have the same effect as if the said policies and contracts had been attested by a corporate seal.

SEC. 8. *And be it further enacted*, That all losses arising on any insurance shall be adjusted by the president and directors, agreeably to the terms of the policy, and paid out of the joint funds and property of the company. That the president and directors shall make a full and fair statement of the affairs of the company every six months, and a dividend of the profits.

SEC. 9. *And be it further enacted*, That in case any action shall be prosecuted on any insurance made by virtue of this act, it shall be deemed sufficient service of such process to leave a copy thereof with the president or secretary for the time being; and all recoveries had, in any such action or actions, shall be conclusive on the company, so far as to render the stock and property of the company liable, and no further.

SEC. 10. *And be it further enacted*, That this act shall be and continue in force for and during the term of twenty years from and after the passing thereof, and until the end of the next session of Congress.

Approved, March 9, 1814.

An Act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and fourteen.

*Be it enacted, &c.*, That for defraying the expenses of the military establishment of the United States, including the volunteers and militia in their actual service, for the year one thousand eight hundred and fourteen, for ordnance, fortifications, and the Indian department, the following sums, including the sum of one million five hundred thousand dollars already appropriated by the first section of the act, entitled "An act making certain partial appropriations for the year one thousand eight hundred and fourteen," be, and the same are hereby, respectively appropriated, that is to say:

For the pay of the Army of the United States, including the private servants kept by officers, and for the pay of the volunteers and militia in

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the actual service of the United States, seven million nine hundred and sixty-five thousand three hundred and sixty dollars.

For forage to officers, two hundred and sixty-four thousand five hundred and seventy-six dollars.

For subsistence of the army, and of volunteers and militia, four million nine hundred and seven-thousand four hundred and seventy dollars.

For camp and field equipage, four hundred and sixty thousand dollars.

For the medical and hospital department, two hundred and fifty-five thousand dollars.

For bounties and premiums, two million five hundred and forty thousand dollars.

For clothing, two million thirty-six thousand dollars.

For the Quartermaster's department, three million five hundred thousand dollars.

For ordnance and ordnance stores, including arsenals, magazines, and armories, seven hundred thousand dollars.

For fortifications, five hundred thousand dollars.

For contingencies, seven hundred thousand dollars.

For the Indian department, four hundred and sixty-four thousand five hundred dollars.

SEC. 3. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 19, 1814.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and fourteen.

*Be it enacted, &c.*, That, for defraying the expenses of the Navy for the year one thousand eight hundred and fourteen, the following sums, including the sum of one million of dollars already appropriated by the act, entitled "An act making certain partial appropriations for the year one thousand eight hundred and fourteen," be, and the same hereby are, respectively appropriated, that is to say:

For pay and subsistence of the officers, and pay of the seamen, two million five hundred and seventy-nine thousand three hundred and forty-one dollars.

For provisions, one million four hundred and thirty-nine thousand nine hundred and two dollars and fifty-two cents.

For medicines, hospital stores, and all expenses on account of the sick, one hundred and twenty thousand dollars.

For repairs of vessels, one million five hundred thousand dollars.

For contingent expenses, including freight, transportation, and recruiting expenses, five hundred thousand dollars.

For ordnance, ammunition, and military stores, three hundred thousand dollars.

For navy yards, docks, and wharves, one hundred thousand dollars.

For pay and subsistence of the marine corps,

two hundred and eighteen thousand two hundred and seventy-nine dollars and fifty cents.

For clothing for the same, seventy-one thousand seven hundred and eighty-eight dollars and ten cents.

For military stores for the same, twenty-seven thousand six hundred and eight dollars and seventy-five cents.

For contingent expenses for the same, forty-six thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 19, 1814.

An Act in addition to an act, entitled "An act allowing a bounty to the owners, officers and crews of the private armed vessels of the United States."

*Be it enacted, &c.*, That, in lieu of the bounty now allowed by law, the sum of one hundred dollars be paid to the owners, officers and crews of the private armed vessels of the United States, commissioned as letters of marque, for each and every prisoner by them captured and delivered to an agent authorized to receive him in any port of the United States, or of a Power at war with Great Britain, or delivered at any station within the dominions of the King of Great Britain, established for the exchange of prisoners of war, whereby such prisoner shall be actually placed, and allowed by the Government of the Kingdom of Great Britain and Ireland, in the account of prisoners to the credit of the United States. And the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, to such owners, officers and crews of private armed vessels commissioned as aforesaid, or their agents, the aforesaid sum for each prisoner captured and delivered as aforesaid.

SEC. 2. *And be it further enacted*, That, for the purposes aforesaid, the sum of two hundred thousand dollars, out of any money in the Treasury not otherwise appropriated, be and the same is hereby appropriated.

Approved, March 19, 1814.

An Act making appropriations for the support of Government for the year one thousand eight hundred and fourteen.

*Be it enacted, &c.* That, for the expenditure of the civil list in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of light-houses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims, the following sums be and the same are hereby respectively appropriated, that is to say:



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For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, two hundred and fifty-two thousand two hundred and fifty-five dollars.

For the expense of fire-wood, stationery, printing, and all other contingent expenses of the two houses of Congress, fifty-two thousand dollars.

For the expenses of the library of Congress, including the librarian's allowance for the year one thousand eight hundred and fourteen, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that department, including a clerk on old records, and a clerk and messenger in the Patent office, fifteen thousand nine hundred and thirty-eight dollars.

For additional compensation to the clerks in said department, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand and seventy-two dollars and fifty cents.

For the incidental and contingent expenses of the said department, including the expense of printing and distributing ten thousand four hundred copies of the laws of the first and second session of the thirteenth Congress, and printing the laws in newspapers, twenty thousand two hundred and fifty dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, thirteen thousand two hundred and ninety-nine dollars and eighty-one cents.

For expense of translating foreign languages, allowance to the person employed in transmitting passports and sea-letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, including the sum of one thousand eight hundred and eighty-nine dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fourteen thousand eight hundred and sixty-six dollars.

For expense of stationery and printing and contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery and printing, and contingent expenses in the Auditor's office, five hundred dollars.

For compensation to the Treasurer, clerks, and persons employed in his office, including the sum of one thousand dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight

hundred and six, seven thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery and printing, and contingent expenses in the Treasurer's office, three hundred dollars.

For compensation to the Commissioner of the General Land Office, clerks, and persons employed in his office, twelve thousand four hundred and ten dollars.

For expense of stationery and printing, and contingent expenses of the General Land Office, three thousand seven hundred dollars.

For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, nine thousand four hundred and ten dollars.

For expense of stationery and printing, and contingent expenses of the Revenue office, including the sum of five thousand three hundred and twenty-five dollars and seventy-three cents, the amount of expenditures for these objects during the year one thousand eight hundred and thirteen, for which no appropriation has been made, nine thousand nine hundred and seventy-eight dollars and thirty-six cents.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For additional compensation to the clerks in the Treasury Department, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," six thousand six hundred and thirty-four dollars and nine cents.

For compensation to the messenger of the Register's office, for stamping and arranging ships' registers, ninety dollars.

For expense of stationery and printing, and contingent expenses of the Register's office, two thousand eight hundred dollars.

For fuel and other contingent expenses of the Treasury Department, four thousand dollars.

For the purchase of books, maps and charts for the Treasury Department, four hundred dollars.

For compensation to a superintendent and two watchmen, employed to secure the buildings and records of the Treasury Department during the year one thousand eight hundred and fourteen, including expenses and repairs of two fire engines, buckets and lanterns, one thousand one hundred dollars.

For defraying the expense of stating and printing the public accounts for the year one thousand eight hundred and fourteen, one thousand two hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, including the sum of three thousand nine hundred and sixty dollars, in addition to the sum allowed by the act of April twenty-first, one thousand eight hundred and six, fifteen thousand two hundred and ten dollars.

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For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of War, two thousand dollars.

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, including the sum of fifteen thousand dollars for clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, twenty-five thousand nine hundred and ten dollars.

For contingent expenses in the office of the Accountant of the War Department, one thousand dollars.

For additional compensation to the clerks in the War Department, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," two thousand two hundred and twenty-six dollars.

For compensation to the clerks and messenger in the office of the Paymaster of the Army, nine thousand five hundred dollars.

For compensation to the Superintendent General of Military Supplies, clerks, and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the Superintendent General of Military Supplies, five hundred dollars.

For compensation to the clerks in the Adjutant and Inspector General's office, one thousand five hundred dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, including the sum of one thousand six hundred dollars in addition to the sum allowed by the act of the twenty-first April, one thousand eight hundred and six, eleven thousand four hundred and ten dollars.

For contingent expenses in the office of the Secretary of the Navy, two thousand five hundred dollars.

For compensation to the Accountant of the Navy, clerks, and persons, employed in his office, including seven hundred and fifty dollars for a deficiency in the appropriation for the year one thousand eight hundred and thirteen, and a further sum of three thousand dollars in addition to the sum allowed by the act of April twenty-first, one thousand eight hundred and six, fourteen thousand one hundred and sixty dollars.

For contingent expenses in the office of the Accountant of the Navy, one thousand dollars.

For additional compensation to the clerks in the Navy Department, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes," one thousand nine hundred and thirty-five dollars.

For compensation to the Postmaster General, Assistant Postmasters General, clerks, and persons employed in the General Post Office, including one thousand two hundred and three dollars and twenty-five cents, for deficiencies in the ap-

propriations for the years one thousand eight hundred and twelve, and one thousand eight hundred and thirteen, and the sum of five thousand seven hundred and fifty-five dollars, in addition to the sum allowed for the compensation of clerks by the act of April twenty-first, one thousand eight hundred and six, twenty-three thousand one hundred and sixty-three dollars and twenty-five cents.

For contingent expenses of the General Post Office, two thousand eight hundred dollars.

For additional compensation to the clerks employed in the General Post Office, not exceeding fifteen per centum on the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand four hundred and one dollars and seventy-five cents.

For compensation to the several Loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks, of the Commissioners of Loans, including a sum of two thousand dollars in addition to the amount heretofore allowed by law, and for allowance to certain Loan officers, in lieu of clerk-hire, and to defray the authorized expenses of the several Loan offices, seventeen thousand dollars.

For compensation to the Surveyor General and his clerks, three thousand two hundred dollars.

For compensation to the Surveyor of Lands south of Tennessee, and the clerks employed in his office, and for stationery and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the Mint, viz:

The Director, two thousand dollars.

The Treasurer, one thousand two hundred dollars.

The Assayer, one thousand five hundred dollars.

The Chief Coiner, one thousand five hundred dollars.

The Melter and Refiner, one thousand five hundred dollars.

The Engraver, one thousand two hundred dollars.

One clerk, at seven hundred dollars.

One clerk, at five hundred dollars.

For wages to the persons employed in the different operations of the Mint, including the sum of one thousand dollars allowed to an assistant coiner and die forger, and six hundred dollars allowed to an assistant engraver, eight thousand five hundred dollars.

For repairs of furnaces, cost of iron and machinery, rents, and other contingent expenses of the Mint, three thousand seven hundred dollars.

For allowances for wastage in the gold and silver coinage, three thousand dollars.

For compensation to the Governor, Judges, and Secretary, of the Mississippi Territory, nine thousand dollars.

For cost of stationery, office rent, and other

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contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Indiana Territory, six thousand six hundred dollars.

For cost of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Michigan Territory, six thousand six hundred dollars.

For cost of stationery, office rent, and other contingent expenses, of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Missouri Territory, seven thousand eight hundred dollars.

For cost of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Illinois Territory, six thousand six hundred dollars.

For cost of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, two thousand dollars.

For compensation granted by law to the Chief Justice, the associate Judges, and district Judges, of the United States, including the Chief Justice and associate Judges of the District of Columbia, and the Attorney General, sixty-two thousand dollars.

For like compensations granted to the several district attorneys of the United States, including those of the several Territories, four thousand six hundred and fifty dollars.

For like compensations granted to the several marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee, and of the several Territories of the United States, three thousand two hundred dollars.

For defraying the expenses of the Supreme, Circuit, and District courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late Government, eight hundred sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, ninety-eight thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, including repairs and improvements, and contingent expenses, sixty-nine thousand one hundred dollars and twenty-eight cents.

For the following objects, being the balances of former appropriations, for the same purposes, carried to the surplus fund, viz :

For erecting light-houses at the mouth of the Mississippi river, and at or near the pitch of Cape Lookout, in North Carolina, twenty thousand dollars.

For building a light-house on the south point of Cumberland Island, in Georgia, four thousand dollars.

For building a light-house on the south point of Sapelo Island, in Georgia, and placing buoys and beacons on Dobay bar and Beach point, four thousand four hundred and ninety-four dollars and eighty-one cents.

For placing buoys and beacons at or near the entrance of Beverly harbor, in Massachusetts, three hundred and fifty dollars.

For erecting two lights on Lake Erie, viz : on or near Bird Island, and on or near Presque Isle, four thousand dollars.

For placing two beacons and buoys at or near the entrance of the harbor of New Haven, in Connecticut, one hundred dollars.

For placing buoys at the entrance of the harbor of Edgartown, in Massachusetts, one thousand four hundred and forty-three dollars and forty-three cents.

For placing buoys at or near the main bar and new inlet bar off Cape Fear, in North Carolina, two thousand dollars.

For erecting a beacon on a point of land near New Inlet, in North Carolina, one thousand eight hundred dollars.

For completing the fitting up of all the light-houses with Winslow Lewis's improvements, in addition to the sums heretofore appropriated for that purpose, forty thousand dollars.

For defraying the expense of surveying the public lands within the several Territories of the United States, sixty thousand dollars.

For the support and safe-keeping of prisoners of war, four hundred thousand dollars.

For the contingent expenses of Government, twenty thousand dollars.

For the expense of printing one thousand copies of the Digest of Manufactures, pursuant to a resolution of the House of Representatives of the ninth of July, one thousand eight hundred and thirteen, one thousand two hundred and fifty dollars.

For the support of sick and disabled seamen, in addition to the funds already appropriated by law, twenty thousand dollars.

For the salaries, allowances, and contingent expenses of Ministers to foreign nations, and of Secretaries of Legation, eighty-nine thousand four hundred dollars.

For the contingent expenses of intercourse between the United States and foreign nations, fifty thousand dollars.

For expenses of intercourse with the Barbary Powers, ten thousand dollars.

For the relief and protection of distressed American seamen, thirty thousand dollars.

For expenses of agents at Paris and Copenha-

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gen, in relation to prize causes and captures of American vessels, four thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, four thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations, hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act making provision for the debt of the United States, and out of any moneys in the Treasury not otherwise appropriated.

Approved, March 24, 1814.

An Act to authorize a loan for a sum not exceeding twenty-five millions of dollars.

*Be it enacted, &c.*, That the President of the United States be and he is hereby authorized to borrow, on the credit of the United States, a sum not exceeding twenty-five millions of dollars, to be applied, in addition to the moneys now in the Treasury, or which may be received from other sources, to defray any expenses which have been or, during the present year, may be authorized by law, and for which appropriations have been or, during the present year, may be made by law: *Provided*, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed at any time after the expiration of twelve years from the last day of December next.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury, with the approbation of the President of the United States, be and he is hereby authorized to cause to be constituted certificates of stock, signed by the Register of the Treasury, or by a Commissioner of Loans, for the sum to be borrowed by this act, or for any part thereof, and the same to be sold. And the Secretary of the Treasury shall lay before Congress, during the first week in the month of February, one thousand eight hundred and fifteen, an account of all the moneys obtained by the sale of the certificates of stock in manner aforesaid, together with a statement of the rate at which the same may have been sold.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to employ an agent or agents for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock to be created by virtue thereof. A commission not exceeding one quarter of one per cent. on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum not exceeding sixty-six thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, is hereby appropriated for paying the amount of such commission or commissions as may be thus allowed, and also for defray-

ing the expenses of printing and issuing the subscription certificates, and certificates of stock, and other expenses incident to the completing of the loan authorized by this act.

SEC. 4. *And be it further enacted*, That so much of the funds constituting the annual appropriation of eight millions of dollars for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of such debt as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act. It shall accordingly be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid out of the said fund, yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal as the same become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums out of the said fund as they may think proper, towards redeeming, by purchase and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States is hereby pledged to establish sufficient revenues for making good any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

SEC. 5. *And be it further enacted*, That it shall be lawful for any of the banks in the District of Columbia to lend any part of the sum authorized to be borrowed by virtue of this act, anything in any of their charters to the contrary notwithstanding.

Approved, March 24, 1814.

An Act to alter the time for holding the District Courts of the United States for the Virginia District.

*Be it enacted, &c.*, That, instead of the time heretofore prescribed by law for the sessions of the district court of the United States for the Virginia district, the said court shall hereafter commence its sessions on the following days in each year, that is to say: on the twelfth day of April, and on the fifteenth day of October, in the city of Richmond, and on the first day of May, and on the first day of November, in the borough of Norfolk.

SEC. 2. *And be it further enacted*, That the said court, at its sessions to be commenced by virtue of this act, on the twelfth day of April next, in the city of Richmond, and on the first day of May next, in Norfolk, shall have the same right, power, and jurisdiction over all actions, suits, process, notices, pleadings, and recognisances, and all other proceedings, of what nature or kind soever, civil or criminal, as the said court might or could possess and lawfully exer-

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cise, if the sessions of the said court, instead of being commenced on the said twelfth day of April next, and the said first day of May next, should have been commenced on the days heretofore prescribed.

SEC. 3. *And be it further enacted*, That, from and after the passing of this act, all actions, suits, process, notices, pleadings, and recognisances, and all other proceedings of what nature or kind soever, civil or criminal, returnable to or having day in the said court during the session thereof, shall be returnable to and have day in the sessions of the said court, as prescribed by this act.

SEC. 4. *And be it further enacted*, That if, at any time, the day prescribed by this act for commencing a session of the said court shall be a Sunday, the said court shall commence and hold its session on the following day.

Approved, March 24, 1814.

An Act to amend an act, entitled "An act laying duties on all sales at auction of merchandise and of ships and vessels."

*Be it enacted, &c.*, That the condition of the bond required to be given by every auctioneer, by the third section of the act, entitled "An act laying duties on sales at auction of merchandise and of ships and vessels," passed the twenty-fourth day of July, one thousand eight hundred and thirteen, shall be, that the said auctioneer shall render the quarterly account, in writing, required of him by said act, within twenty days after the first day of April, July, October, and January, in each year, and that in the said quarterly return shall be stated the aggregate amount of goods, wares, merchandise, and effects, liable to duty, sold by him on each day during the quarter, with the date of such sale, anything in the said act contained to the contrary notwithstanding.

Approved, March 24, 1814.

An Act concerning Shawneetown.

*Be it enacted, &c.*, That a tract of land, not exceeding two sections, in the Illinois Territory, adjoining Shawneetown, shall, under the directions of the Surveyor General, be laid off into town lots, streets, and avenues, and out-lots, in the same manner, under the same restrictions, as are prescribed by the sixth section of the act, entitled "An act providing for the sale of certain lands in the Indiana Territory, and for other purposes," approved the thirtieth day of April, one thousand eight hundred and ten. And it shall be the duty of the Surveyor General, or the person by him authorized to carry this act into effect, to select the two sections so as to extend the said town to the high lands in the rear of the town, as it is now laid out.

SEC. 2. *And be it further enacted*, That the lots in said town shall be offered for sale at the same time, and on the same terms and conditions, as are provided by the sixth section of the before recited act.

Approved, March 28, 1814.

An Act for the better organizing, paying, and supplying, the Army of the United States.

*Be it enacted, &c.*, That the first, second, and third regiments of artillery be formed into one corps, and organized into twelve battalions, as follows, to wit: six lieutenant colonels, six majors, twelve adjutants, twelve quartermasters, and forty-eight companies.

SEC. 2. *And be it further enacted*, That each company shall consist of one captain, one first lieutenant, two second lieutenants, one third lieutenant, five sergeants, one quartermaster's sergeant, eight corporals, four musicians, and one hundred privates.

SEC. 3. *And be it further enacted*, That the President be authorized to assign one of the two second lieutenants hereby provided for each company, as a conductor of artillery for said company, whose duty it shall be to receipt and account for all ammunition, implements, and cannon, furnished by the ordnance department, for said company, and to do and perform such other services as the War Department may direct; and that for the performance of these services they be allowed each ten dollars extra pay per month.

SEC. 4. *And be it further enacted*, That, in lieu of the two regiments of light dragoons now in service, there shall be organized one regiment, to consist of one colonel, one lieutenant colonel, two majors, one adjutant, one quartermaster, one surgeon, two surgeons' mates, one sergeant major, one quartermaster sergeant, one principal musician, one principal farrier, and eight troops.

SEC. 5. *And be it further enacted*, That each troop shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, one cornet, five sergeants, eight corporals, one riding master, one master of the sword, two trumpeters or buglers, one farrier, one blacksmith, one saddler, and ninety-six privates.

SEC. 6. *And be it further enacted*, That the officers of the corps of artillery, and the regiment of light artillery, shall severally receive the same pay as is now provided by law for the light dragoons in the service of the United States; and the subalterns of all other corps shall be allowed one ration in addition to the pay authorized by existing laws.

SEC. 7. *And be it further enacted*, That there shall be allowed annually to each non-commissioned officer, musician, and private, in the corps of sea-fencibles, one blanket, one knapsack, and one canteen.

SEC. 8. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to prescribe the quantity and kind of clothing to be issued annually to the troops of the United States.

SEC. 9. *And be it further enacted*, That, from and after the first day of June next, the officers of the Army shall be entitled to waiters agreeable to grade, as follows: a major general, four waiters; a brigadier general, three; a colonel, two; the physician and surgeon general, two; a lieutenant colonel, major, and hospital surgeon,

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each, one; the officers of each company, three; every commissioned officer who holds a staff appointment which gives the rank of captain, or any higher grade, one; and to every company officer who commands a separate post detachment, one; any law or regulation heretofore existing to the contrary notwithstanding.

SEC. 10. *And it further enacted*, That no officer shall be permitted to employ as a servant any soldier from the line of the Army, and that the servants of officers, not exceeding the number allowed by the preceding section, shall be mustered with some corps of the Army, and that, on the muster rolls formed in consequence thereof, payment shall be made in money to the officers employing them in lieu of wages, subsistence, and clothing, by the paymasters of the several corps or districts where such servants are mustered, at the rate allowed to privates of infantry, which shall be published to the Army annually, by the Secretary for the Department of War.

SEC. 11. *And be it further enacted*, That the President of the United States be authorized to appoint so many assistant apothecaries as the service may, in his judgment, require; each of whom shall receive the same pay and emoluments as a regimental surgeon's mate.

SEC. 12. *And be it further enacted*, That, from and after the passing of this act, promotions may be made through the whole Army, in its several lines of light artillery, light dragoons, artillery, infantry, and riflemen, respectively; and that the relative rank of officers of the same grade, belonging to regiments or corps already authorized, or which may be engaged to serve for five years, or during the war, be equalized and settled by the War Department, agreeably to established rules; and that so much of the act, entitled "An act for the more perfect organization of the Army of the United States," passed the twenty-sixth of June, one thousand eight hundred and twelve, as comes within the purview and meaning of this act, be and the same is hereby repealed.

SEC. 13. *And be it further enacted*, That, for the purpose of avoiding unnecessary expenses in the Military Establishment, the President of the United States be and he is hereby authorized, in case of failure in filling the rank and file of any regiment or regiments, to consolidate such deficient regiment or regiments, and discharge all supernumerary officers: *Provided*, That officers so discharged shall be allowed, in addition to the mileage already authorized by law, three months' pay to each.

SEC. 14. *And be it further enacted*, That every non-commissioned officer and private of the Army, or officer, non-commissioned officer, and private of any militia or volunteer corps, in the service of the United States, who has been or who may be captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled whilst in the actual service of the United States: *Provided*, That nothing herein contained shall be construed to entitle any prisoner of war,

of the militia, to the pay and compensation herein provided after the date of his parole, other than the travelling expenses allowed by law.

SEC. 15. *And be it further enacted*, That the five regiments which, by the first section of an act, entitled "An act to amend the act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes,'" were authorized to be enlisted, at the discretion of the President of the United States, for and during the war, may be enlisted, at the option of the recruit, for five years, or for and during the war, unless sooner discharged; the provisions of the said act to the contrary notwithstanding.

SEC. 16. *And be it further enacted*, That the commissary general of ordnance may employ in his department, besides blacksmiths and wheelwrights, other mechanics, such as the public service may require, who shall, together with the said blacksmiths and wheelwrights, be mustered under the general denomination of artificers; and such artificers, being hereafter, or having been heretofore, enlisted to serve for the term of five years, or during the war, shall be entitled to the same annual allowance of clothing as is or may be provided for the soldiers of the Army.

SEC. 17. *And be it further enacted*, That the laborers who may be hereafter enlisted to serve in the ordnance department, for the term of five years or during the war, shall be entitled to a bounty of twenty-five dollars in money, and the same annual allowance of clothing as is or may be provided for the soldiers of the Army.

SEC. 18. *And be it further enacted*, That the physician and surgeon general of the Army be entitled to two rations per day and forage for two horses; and that, in addition to their pay as at present established by law, the regimental surgeons and regimental surgeons' mates be entitled to fifteen dollars per month each.

SEC. 19. *And be it further enacted*, That the aids-de-camp of major generals shall be taken from the captains and subalterns of the line; and the aids-de-camp of brigadier generals from the subalterns of the line; and that it shall not be lawful to take more than one aid-de-camp from a regiment.

SEC. 20. *And be it further enacted*, That in no case shall the district paymasters or quartermasters of any grade be taken from the line of the Army.

SEC. 21. *And be it further enacted*, That the officers of the volunteer corps, authorized by the act of the twenty-fourth day of February, one thousand eight hundred and fourteen, be entitled to promotion in the line of the Army; and that the President of the United States, with the advice and consent of the Senate, be authorized to make all necessary appointments, and to fill all vacancies, which may happen in the same.

Approved, March 30, 1814.

An Act authorizing the President of the United States to exchange a certain parcel of land in the city of New York, for other lands in the same city or its vicinity.

*Be it enacted, &c.*, That the President of the



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United States be and hereby is authorized, in case the same can, in his opinion, be done without disadvantage to the United States, to grant and release to the Mayor, Aldermen, and Commonalty of the city of New York, and their successors forever, all the right, title, and interest of the United States in and to a certain lot or parcel of land lying in the said city of New York, and being that parcel of land first described in a deed bearing date the sixth day of May, one thousand eight hundred and eight, signed by Daniel D. Tompkins, John Broome, John Lansing, James Kent, and Dewitt Clinton, acting as commissioners under the authority of the State of New York, for the purpose of granting to the United States the use and jurisdiction of three several parcels of land therein described: *Provided*, That there be conveyed in fee simple to the United States, in exchange for the same, other land necessary or proper to be occupied for the safety and defence of the city of New York, and which may be equally advantageous to the United States; and in case the lands to be conveyed in exchange to the United States shall be of less value than the land, with its improvements, hereby authorized to be conveyed to the Mayor, Aldermen, and Commonalty, the difference in value may be paid to the United States in money; the respective valuation to be ascertained in such manner and form as the President of the United States may direct.

Approved, March 30, 1814.

An Act providing for the indemnification of certain claimants of public lands in the Mississippi Territory.

*Be it enacted, &c.*, That every person or persons claiming public lands in the Mississippi Territory, south of the State of Tennessee and west of the State of Georgia, under the act, or pretended act of the State of Georgia, entitled "An act supplementary to an act, entitled 'An act for appropriating a part of the unlocated territory of this State for the payment of the late State troops and other purposes therein mentioned, declaring the right of this State to the unappropriated territory thereof, for the protection and support of the frontiers of this State, and for other purposes,' passed January the seventh, one thousand seven hundred and ninety-five, who have exhibited the evidence of their claims to the Secretary of State, for the purpose of having the same recorded in books in his office, conformable to the act of Congress, passed the third day of March, one thousand eight hundred and three, entitled "An act regulating the grants of lands, and providing for the disposal of the lands of the United States south of the State of Tennessee," shall be allowed until the first Monday of January next to deposit in the office of the Secretary of State of the United States, a sufficient legal release of all such claim or claims to the United States, and an assignment and transfer to the United States of their right and claim to any sum or sums of money which by them, or the persons from whom they or any

of them have derived their claims, were deposited or paid into the Treasury of the State of Georgia, as the consideration of the purchase of the land for which their release of claim is deposited as aforesaid; and also, a power to sue, in the name of such claimant, for any sum or sums of money assigned as aforesaid, and which shall have been unlawfully or fraudulently withdrawn from the treasury of the State of Georgia, such release, assignment, transfer, and power, to take effect on the indemnification of such claimants being made conformably to the provisions of this act.

SEC. 2. *And be it further enacted*, That the Secretary of State, the Secretary of the Treasury, and the Attorney General of the United States (for the time being) shall be and they are hereby constituted and appointed a board of commissioners, to meet in the city of Washington, on the first Monday of January next; and, as soon as may be practicable thereafter, they or any two of them are hereby fully authorized and required to adjudge and determine upon the sufficiency of the releases and assignments and powers to be executed and deposited in the office of the Secretary of State, in conformity with the foregoing section; and also to adjudge and finally determine upon all controversies arising from such claims so released as aforesaid, which may be found to conflict with, and to be adverse to, each other; and also to adjudge and determine upon all such claims under the aforesaid act, or pretended act of the State of Georgia, as may be found to have accrued to the United States by operation of law: *Provided*, That it shall be the duty of the said commissioners to cause to be published, for the period of three months before the said meeting, at least once a week, in all the public newspapers in which the acts of Congress are by authority published, notice of the purposes and of the time and place of such meeting.

SEC. 3. *And be it further enacted*, That, as soon as the said commissioners shall have made report to the President of the United States of the sufficiency of such releases and assignments, to the amount of at least nine-tenths of the whole lands claimed by virtue of the sales made by the Legislature of the State of Georgia to the respective companies hereafter enumerated, exclusive of such claims to the said lands as shall have vested in the United States by the operation of law, and shall have certified to him the names of the claimants, whose claims they have finally adjudged and allowed, and the respective and relative proportions on which they are entitled to the indemnity under and by virtue of this act, the President shall be and he hereby is authorized and required to cause to be issued from the Treasury of the United States, to such claimants, respectively, (of convenient amount for circulation,) certificates of stock, not bearing interest, and expressing on their face that the same are payable out of the first moneys in the Treasury of the United States, arising from the sale of public lands in the Mississippi Territory, after the money due to the State of Georgia, and the expenses of surveying such lands, have been satisfied.

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To the persons claiming in the name of or under the Upper Mississippi Company, including such share or shares as may be found to have vested in the United States, and for which the United States are to be considered entitled to the respective proportions for the same, (and exclusive of all claims usually denominated in the former report of the commissioners aforesaid citizens' claims,) a sum not exceeding in the whole three hundred and fifty thousand dollars.

To the persons claiming in the name of or under the Tennessee Company, under the foregoing terms and restrictions, a sum not exceeding in the whole six hundred thousand dollars.

To the persons claiming in the name of or under the Georgia Mississippi Company, under the like terms and restrictions, a sum not exceeding in the whole one million five hundred and fifty thousand dollars.

To the persons claiming in the name of or under the Georgia Company, under the like terms and restrictions, a sum not exceeding in the whole two millions two hundred and fifty thousand dollars.

To the persons claiming under citizens' rights, including such share or shares as have already accrued to the United States by operation of law, or by the provisions of this act, and to which the United States are to be considered entitled to the respective proportions for the same, a sum not exceeding in the whole two hundred and fifty thousand dollars: *Provided*, That any person having claim under either of the said companies, and entitled to indemnity by virtue of this act, shall receive such indemnity only in proportion to the amount of such claims: *And provided also*, That no claim shall be allowed, or any indemnification made therefor, to any person or persons who have voluntarily surrendered the evidence of their claims to the said lands under the act of Georgia of the thirteenth of February, one thousand seven hundred and ninety-six, or under any subsequent act of the said State, and which at the time of the surrender would have vested the title in such claimants had the title from Georgia been valid, or who have received the money deposited as the consideration of the purchase of said land thus surrendered; but all such lands shall be deemed and taken to be vested in the United States, exonerated, and discharged from all such claims without any further surrender or release whatever, and the dividends to be made to claimants who shall be entitled to the benefits of this act shall be lessened in proportion to the claim so surrendered or withdrawn: *And provided also*, That no person or persons shall be entitled to the benefits of this act, who, by himself, herself, or themselves, or by his, her, or their agent, or by any person or persons with privity and consent of him, her, or them, shall have taken, received, or withdrawn, from the treasury of the State of Georgia any sum or sums of money, which had been paid and deposited as the consideration of the purchase of any of the aforesaid lands, which person or persons at the time of the taking, receiving, or withdrawing, of the said money, was or

were not the bona fide claimant or claimants of the lands for the purchase of which the said money had been deposited; and all and every the share or shares of such person or persons so fraudulently drawing the money as aforesaid, as may be found to have been claimed by such person or persons, at the time of recording in the office of the Secretary of State the evidences of their claim or claims, shall be vested in the United States, and the dividends to be made to the claimants entitled to the benefits of this act shall be lessened in proportion thereto: *And provided also*, That each and every person, before receiving the certificates of stock aforesaid, shall, after the two foregoing provisos have been read to him, take and subscribe the following oath, *viz*: "I. A. B., do solemnly swear, or affirm, (as the case may be) that I have not, nor has any person for whose interest I now act, either as agent or trustee, or as executor, administrator, or heir at law, done and performed any act, which, by the tenor of the two provisos I have heard read to me, would disqualify me from receiving the indemnity afforded by the provisions of this act."

Sec. 4. *And be it further enacted*, That the said certificates of stock shall be receivable in payment of the public lands, to be sold, after the date of such certificates, in the Mississippi Territory: *Provided*, That on every hundred dollars to be paid for such land, ninety-five dollars shall be receivable in said certificates, and five dollars in cash: *Provided*, That no person or persons making payment for lands in certificates authorized to be issued by this act, shall be entitled to the discount for prompt payment now allowed by law to purchasers of public lands.

Sec. 5. *And be it further enacted*, That from and after such sufficient releases from the claimants to the United States shall be lodged in the office of Secretary of State, as is hereinbefore provided in this act, all such sum or sums of money remaining in the possession of the State of Georgia, which may have been deposited as the consideration of the purchase of the said lands, together with such interest, if any there be, as may have accrued thereon, shall be set over and paid by the said Commissioners of the State of Georgia, in part payment of the one million two hundred and fifty thousand dollars, stipulated to be paid by the articles of agreement and cession between the United States and the State of Georgia.

Sec. 6. *And be it further enacted*, That if any person or persons, in pursuance of the act of the State of Georgia, of the thirteenth of February, one thousand seven hundred and ninety-six, or of any subsequent act, shall have taken, received, or withdrawn from the treasury of the State of Georgia, any sum or sums of money which had been paid or deposited as the consideration of the purchase of any of the aforesaid lands, which person or persons at the time of receiving or withdrawing said sum or sums of money as aforesaid, were not the bona fide claimants of the lands for the purchase of which said money had been paid or deposited; or if such person or persons had not, at the time the legal title vested in them, sup-

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posing the title of Georgia to have been valid, every such person or persons who shall have taken, received, or withdrawn the money as aforesaid, shall be deemed and adjudged to have had and received the same to and for the use of the United States, and shall be and hereby are declared to be holden and liable to refund and pay to the United States, or to the treasury of the State of Georgia for the use of the United States, all such sum or sums of money so had and received as aforesaid, with legal interest from the time he, she or they so received the same. And the aforesaid commissioners shall be, and they are hereby, further authorized and directed to examine into and investigate all cases coming within the purview of this section, and to claim such sum or sums of money to be paid to the United States as to them shall appear just and reasonable, and in case of refusal to pay the same, to direct suits to be commenced for the recovery of the same, in such form and manner as shall be thought most advisable, making plaintiff or complainant, as they shall think best, either the United States, the claimants who shall have transferred to the United States their right of action against the aforesaid persons, or the State of Georgia as bailees of the money so taken, received, and withdrawn from the treasury of the said State: *Provided*, That if it should be thought advisable to institute the suits for the recovery of the moneys aforesaid in the name of the State of Georgia, or of its proper officers, the consent thereto from the proper authority of the State of Georgia shall be first had and obtained: *And provided also*, That the said suits shall be conducted at the proper expense of the United States.

Sec. 7. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to apply to the Governor of the State of Georgia for all such vouchers and testimony, within the archives or treasury of the said State, as may be necessary for carrying into effect the provisions of this act.

Sec. 8. *And be it further enacted*, That whenever the legal estate in any of the said lands (supposing the said act of the Legislature of the State of Georgia of the seventeenth of January, seventeen hundred and ninety-five, had been valid and effectual) shall be vested in any person or persons who, at the time of the passing of this act, shall be under the age of twenty-one years, it shall be lawful for the guardians of such person or persons, appointed in pursuance of the laws of the respective States in which such person or persons shall reside, to execute for and in behalf of such person or persons, and deposite in the office of the Secretary of State of the United States the release, assignment, and power mentioned in the first section of this act; which said release, assignment, and power, so executed and deposited as aforesaid, are hereby declared to be good and effectual to all intents and purposes, and that in case of females covert claiming lands under the act, or pretended act of the State of Georgia aforesaid, passed the seventh of January, seventeen hundred and ninety-five, it shall be lawful for the husband

and wife to join in the execution of the release, assignment, and transfer mentioned in the first section of this act, and that such release, assignment, and transfer shall be good and effectual as to the interest of such wife: *Provided*, That the release, assignment, and transfer, executed as aforesaid, shall be acknowledged before a judge or justice of a court of record, and shall have the attestation of such judge or justice, certifying that, on the separate examination of the wife, she had acknowledged that she had freely and voluntarily executed the same.

Sec. 9. *And be it further enacted*, That if any person or persons, claiming lands under the aforesaid act, or pretended act of the State of Georgia, passed January seventh, seventeen hundred and ninety-five, shall neglect or refuse to compromise and make settlement of all such claim or claims, in conformity with the provisions of this act, the United States shall be, and hereby are declared to be, exonerated and discharged from all such claim or claims, and the same shall be forever barred; and no evidence of any such claim or claims shall be admitted to be pleaded or allowed to be given in evidence in any court whatever against any grant derived from the United States.

Approved, March 31, 1814.

An Act making Elizabeth City the port of entry and delivery for the district of Camden, in the State of North Carolina.

*Be it enacted, &c.*, That, from and after the first day of June next, the port of entry and delivery established by law at Plankbridge, on Sawyer's creek, for the district of Camden, in the State of North Carolina, shall be abolished, and the town of Elizabeth City, on Pasquotank river, shall be the port of entry and delivery for the said district; and the collector for the said district shall, from the said first day of June, keep his office at the town of Elizabeth City aforesaid.

Approved, April 9, 1814.

An Act for the better organization of the Courts of the United States within the State of New York.

*Be it enacted, &c.*, That, for the more convenient transaction of business in the courts of the United States within the State of New York, the said State shall be and the same is hereby divided into two districts, in manner following, to wit: the counties of Rensselaer, Albany, Schenectady, Schoharie, and Delaware, together with all that part of the said State lying south of the said above mentioned counties, shall compose one district, to be called the southern district of New York; and all the remaining part of the said State shall compose another district, to be called the northern district of New York; and that the terms of the district court in the said southern district shall be held in the city of New York, at the several times at which they are now by law directed to be held in the said city; and that the terms of the said court in the said northern district shall be held at the several times and places at which they are now by law directed to be held

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in that part of the State of New York included in the said northern district, except that the term of the said court now holden at Geneva, shall hereafter be held at the village of Canandaigua.

SEC. 2. *And be it further enacted*, That Matthias B. Tallmadge, one of the district judges of the district of New York, be and he is hereby assigned as the judge to hold the said district court in the said northern district of New York, and to do and perform all the duties appertaining to his office within the said northern district; and that William P. Van Ness, the remaining district judge of the district of New York, be and he is hereby assigned as the judge to hold the said court in the said southern district of New York, and to do and perform all the duties appertaining to his said office within the said southern district. And it is hereby also made the duty of the judge of the said southern district to hold the several district courts hereinbefore directed to be holden in the said northern district, in case of the inability, on account of sickness or absence, of the said Matthias B. Tallmadge to hold the same.

SEC. 3. *And be it further enacted*, That the circuit court of the United States shall be held in and for the said southern district of New York, at the city of New York, at the times and in the manner now directed by law to be held in and for the district of New York; and that the district court in the said northern district of New York, shall, besides the ordinary jurisdiction of a district court, have jurisdiction of all causes, except of appeals and writs of error cognizable by law in a circuit court, and shall proceed therein in the same manner as a circuit court; and writs of error shall lie from decisions therein to the circuit court in the said southern district of New York, in the same manner as from other district courts to their respective circuit courts.

Approved, April 9, 1814.

An Act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri.

*Be it enacted, &c.*, That every person or persons, or the legal representatives of any person or persons claiming lands in the State of Louisiana, or the Territory of Missouri, by virtue of any incomplete French or Spanish grant or concession, or any warrant or order of survey, which was granted prior to the twentieth of December, one thousand eight hundred and three, for lands lying within that part of the State of Louisiana which composed the late Territory of Orleans, or which was granted for lands lying within the Territory of Missouri, before the tenth day of March, one thousand eight hundred and four, and where the claimant, or the person under whom he claims, were resident in the province of Louisiana at the respective times aforesaid, or at the time the said concession, warrant, or order of survey was granted, and whose claims have been filed with the proper register or recorder of land titles according to law, and are embraced in the report of the commissioners, or register, or recorder, for the

district within which the lands claimed do lie, in every case where it shall appear by the said report of the commissioners, register, or recorder, that the concession, warrant, or order of survey, under which the claim is made, contains a special location, or had been actually located or surveyed within the late Territory of Orleans before the twentieth day of December, one thousand eight hundred and three, or actually located or surveyed within the Territory of Missouri, before the tenth day of March, one thousand eight hundred and four, by a surveyor duly authorized by the Government making such grant, such persons shall be and they are hereby confirmed in their claims: *Provided*, That no claim shall be confirmed by this section which shall have been adjudged by either of the boards of commissioners, or a register or receiver of public moneys, or a recorder, acting as such, to be antedated or otherwise fraudulent; nor any one to claim a greater quantity of land than the number of acres contained in one league square, nor the claim of any person, in his own right, who has received, in his own right, a donation grant from the United States, in said State or Territory: *And provided also*, That no confirmation made by this section shall affect the rights of any person claiming the same lands or any part thereof, whose claim has been confirmed by a board of commissioners for ascertaining and adjusting claims to land in said State or Territory, nor preclude a judicial decision between private claimants in such interfering claims.

SEC. 2. *And be it further enacted*, That every person or persons claiming lands in the said State or Territory, by right of donation under any former laws, whose claims are contained in the report of any of the boards of commissioners, or the report of the register and receiver of public moneys, or of the recorder of land titles, made, or hereafter to be made, under existing laws, and which claims shall appear by the said reports not to have been confirmed, merely because the tracts claimed were not inhabited on the twentieth of December, one thousand eight hundred and three, such person or persons shall be and they are hereby confirmed in their respective claims: *Provided*, That in every other respect such claims shall be embraced by the provisions, and conform to the limitations and restrictions prescribed by former laws for granting the right of donations in the said State and Territory.

SEC. 3. *And be it further enacted*, That it shall be the duty of the several registers of the land offices, and of the recorder of land titles in the State or Territory aforesaid, with whom the claims in their respective districts have been entered, which are confirmed by this act, in all cases where the land has not been surveyed according to law, to make out, for the principal deputy surveyor of the district in which the land lies, an order of survey for each tract of land confirmed under this act, with a proper description of the tracts to be surveyed, wherein the quantity, locality, boundaries, and connexion, when practicable, with each other, and the tracts which have been heretofore confirmed, shall be stated; and

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on the return of the plat of survey, or where an order of survey is not necessary, the said register or recorder of land titles shall, on application for that purpose, make out for each claimant entitled thereto by the provisions of this act, a certificate of confirmation, directed to the Commissioner of the General Land Office, and if [it] shall appear to the satisfaction of said commissioner, that such certificate shall have been fairly obtained according to the true intent and meaning of this act, then and in that case patents shall be granted in like manner as is provided by law for the other lands of the United States. And the said register or recorder shall be entitled to receive from the person applying therefor, where he shall have previously issued an order of survey, for such order of survey and certificate, the sum of one dollar and fifty cents, and for each certificate, without an order of survey, the sum of one dollar.

SEC. 4. *And be it further enacted*, That it shall be the duty of the principal deputy surveyor, on receiving an order of survey from the register or recorder of land titles, and the surveying fees from the claimant, which shall not exceed three dollars for every mile to be surveyed and marked, to survey or cause to be surveyed, under the direction of the Surveyor General, or surveyor of the lands south of the State of Tennessee, the several tracts of land confirmed by this act; and the said principal deputy surveyor shall make return of the surveys in separate plats to the register or recorder of the district within which the land lies, and also transmit to the surveyor general, or surveyor of the lands south of the State of Tennessee, as the case may be, a plat or plats of the surveys directed to be made by this section, who shall respectively transmit copies thereof to the Commissioner of the General Land Office.

SEC. 5. *And be it further enacted*, That every person, and the legal representatives of every person, who has actually inhabited and cultivated a tract of land lying in that part of the State of Louisiana which composed the late Territory of Orleans, or in the Territory of Missouri, which tract is not rightfully claimed by any other person, and who shall not have removed from said State or Territory, shall be entitled to the right of pre-emption in the purchase thereof, under the same restrictions, conditions, provisions, and regulations, in every respect, as is directed by the act, entitled "An act giving the right of pre-emption, in the purchase of lands, to certain settlers in the Illinois Territory," passed February fifth, one thousand eight hundred and thirteen.

Approved, April 12, 1814.

An Act to incorporate a company for the purpose of supplying Georgetown with water.

*Be it enacted, &c.*, That a company shall be incorporated for the purpose of introducing a copious supply of pure water into Georgetown, District of Columbia, and that the capital stock of said company shall consist of five thousand shares of ten dollars each, and that subscriptions for the same be opened in Georgetown on the

third Monday in May next, under the direction of Henry Foxall, Daniel Bussard, Clement Smith, John Gossler, John Eliason, William Marbury, Thomas Corcoran, Washington Bowie, Thomas Robertson, Ninian Magruder, Joel Brown, and William Crawford, commissioners, or a majority of them.

SEC. 2. *And be it further enacted*, That the said commissioners, after giving ten days' previous notice in two newspapers published in the District of Columbia, shall, on the day before mentioned, proceed to receive such subscriptions, but no person or persons, bodies corporate, or otherwise, shall be permitted to subscribe on the first day for more than ten shares; and if the whole amount be not subscribed on the first day, the books shall remain open on the second day, when individuals or bodies corporate, or otherwise, shall subscribe for double the number allowed on the first day; and if on the end of the second day the whole amount of shares are not subscribed for, the books are to be closed, and the said commissioners may at any time receive subscriptions for such number of shares as remain unsubscribed for: *Provided always*, That if the subscriptions shall, on the first day, exceed the number of shares hereinbefore allowed, then, and in such case, the said commissioners are hereby authorized and directed so to apportion the shares subscribed among the several subscribers, by such proportional reduction as may reduce the whole to the number allotted.

SEC. 3. *And be it further enacted*, That it shall be the duty of the said commissioners to conduct every operation of the said institution, until they shall be superseded by the appointment of directors.

SEC. 4. *And it further enacted*, That the sum of one dollar shall be paid to the said commissioners on each share at the time of subscribing, and the remaining nine dollars by instalments, not exceeding two dollars at each instalment, as may be required by the president and directors to be appointed in the mode hereinafter prescribed, on giving twenty days' notice in two newspapers printed in the District of Columbia; and in case of failure in the payment of all or any part of said instalments for the space of ten days after the same shall have become payable, every share on which such failure shall have taken place shall be forfeited to the company.

SEC. 5. *And it further enacted*, That the subscribers for the said stock, and their successors, shall be, and they are hereby declared to be, a body politic and corporate, by the name and style of The Georgetown Water Company, and by that name shall have perpetual succession, and shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of judicature or elsewhere, and to make use of one common seal, and the same to alter or renew at their pleasure, and generally to do and perform all things relative to the object of the institution which now is or shall be lawful for any individual or body politic or corporate to do.

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SEC. 6. *And be it further enacted*, That, as soon as three thousand shares shall be subscribed, the commissioners hereby authorized to receive subscriptions may call a meeting of the stockholders, after giving not less four weeks' notice in two newspapers published in the District of Columbia; and the stockholders who shall so assemble in consequence of such notice, or appear by proxy, shall choose by ballot from among the stockholders, by a plurality of votes, twelve directors, who shall continue in office until the first Monday in April one thousand eight hundred and fifteen, which day every succeeding year thereafter an election shall be held for twelve directors as aforesaid, who shall continue in office for one year from the time of their election, and until others be chosen in their stead; and the said directors, at their first meeting, shall choose from amongst the stockholders a president, and allow him a reasonable compensation for his services, who shall also continue in office for one year from the time of his election, and until another be chosen in his stead; and in case of death, removal, resignation, or disqualification in any way of the president, or any of the directors, the board may elect others to supply their place.

SEC. 7. *And be it further enacted*, That, in choosing the directors, all persons or bodies politic, holding stock in the said company, shall vote agreeably to the number of shares they may hold, in the following proportion, that is to say: for one share and not exceeding five shares, one vote each; for every two shares above five and not exceeding twenty-five, one vote; for every five shares above twenty-five and not exceeding fifty, one vote; but no person shall be entitled to vote more than twenty votes.

SEC. 8. *And be it further enacted*, That the said president and directors shall have full power and authority to make all by-laws, rules, and regulations, for the well-ordering and conducting of the business of the company, and such by-laws, rules, and regulations, to alter, change, and annul, at their pleasure; but every such by-law, rule, or regulation, may be altered or repealed by the stockholders at a general meeting, to be called for that purpose by any ten or more stockholders: *Provided*, That there be present at such meeting, stockholders holding more than one-half of the said stock, or their proxies, and that four weeks' previous notice be given, in two newspapers printed in the District of Columbia, of such meeting, and of the alteration or repeal intended to be proposed thereat.

SEC. 9. *And be it further enacted*, That the said president and directors shall have power to appoint, and remove at their pleasure, all clerks, superintendents, agents, or other officers, necessary for carrying on the business of the said company, to dispose of its funds or property in the manner hereinafter directed, and out of the funds of the said company to pay the compensation of all such agents, superintendents, clerks, or officers, to make such contracts, purchases, or agreements, of all such matters and things, in behalf of the said company, and of all such privileges, permis-

sions, rights, and advantages of every kind and nature whatever, as they shall judge necessary for completing in an effectual and proper manner the introduction, distribution, and supply of water to Georgetown, District of Columbia, with any individual companies, firms, or corporations, and to use and dispose of any surplus water to the best interest and advantage of the said company, and all other contracts to rescind, alter, abridge, and enlarge, with consent of the parties thereto respectively; and to lease, sell, convey, transfer, and bind by their contracts, deeds and writings, under the hand of the president and the seal of the company, all the property, estate, common stock, and joint funds of the said company, subject to the ratification of the stockholders, or a majority of them, at some general meeting, if the value of the matter in question shall exceed fifteen hundred dollars, but not the persons or separate property of themselves, or any of the stockholders.

SEC. 10. *And be it further enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, all such lands and real estates suitable for the erection of the necessary works, and that may be necessary, in whole or in part, for the proper accomplishment of their undertaking, as they shall adjudge proper, and for that purpose may direct from the usual course, at such place or places as they shall think fit, any stream or streams of water which they may think suitable for the purpose, or any part or parts thereof, on the said corporation's first obtaining the consent of all persons having any right or interest in the stream or streams so to be diverted in whole or in part, or in the lands through which such stream or streams may be intended to pass, after being so diverted; and the said corporation shall have full power and authority to make and lay conduits or tunnels for the conveyance of the said water, under and along any public highway, or any street or streets, lane, or lanes, alley or alleys, of Georgetown, District of Columbia, for the purpose of conveying and distributing the said water, and the said conduits or tunnels from time to time to renew and repair, and, for such purposes, to dig, break up and open, at their own expense, all or any part of such highways, streets, lanes, and alleys, and of the middle or side pavement thereof, leaving at all times a sufficient passageway for carriages, horse and foot passengers, and restoring forthwith to their former condition all such highways, streets, lanes, and alleys, and the pavements thereof, as may be at any time so dug, opened, or taken up.

SEC. 11. *And be it further enacted*, That the corporation shall have full power and authority to establish reservoirs and public fountains in such parts of the streets and squares of the said town as they may think proper, and to grant to all persons whomsoever, and to all bodies politic and corporate, the privilege of using the said water so to be introduced, in such manner, and on such terms and conditions, and in such quantities respectively, as they shall think fit; and the said water so to be introduced, together with all reser-



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voirs, canals, tunnels, engines, buildings, and machines, whatever, to be by them made and used for the purpose of introducing, raising, and distributing the said water, to hold to them, their successors, and grantees, forever, as their sole and exclusive property.

**SEC. 12. *And be it further enacted,*** That the corporation aforesaid shall insert, or grant permission to the corporation of Georgetown, District of Columbia, to insert, and repair at the expense of the town, such a number of fire plugs as to them shall appear necessary, into the pipes used to convey the water through the streets thereof, to be used only in case of fire, but free from any charge for a supply of water.

**SEC. 13. *And be it further enacted,*** That it shall and may be lawful for the said president and directors to call and demand from the said subscribers, respectively, all such sums of money by them subscribed, in instalments, not exceeding two dollars each, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company: *Provided,* That no such demand shall be made without twenty days' previous notice being given in two newspapers of the District of Columbia: *And provided also,* That not more than one such payment shall be called for or required in any term of three months.

**SEC. 14. *And be it further enacted,*** That any suit, action, or complaint, by the said corporation, against any person or persons whomsoever, on account of, or grounded on, a trespass or injury done to the said works, or any tunnels, conduits, canals, water-courses, mound, plug, cock, reservoir, dyke, engine, machine or thing, appertaining to the same, shall, in every instance, be held and deemed as transitory in its nature, and may be brought, sustained, and tried, in any court in this district having jurisdiction in such like cases.

**SEC. 15. *And be it further enacted,*** That if any person shall wilfully pollute the said water, between the pumping house of said company and Georgetown, District of Columbia, by throwing any dead animals or other impure substances into the same, or by swimming, bathing, or washing themselves, or by washing clothes, or skins of any dead animals, or other impure things therein, or by erecting any necessary or other nuisance so near the said water as to pollute the same, the person or persons so offending shall forfeit and pay to the said company a sum not exceeding twenty dollars for every such offence, to be recovered by warrant, before any magistrate of the district or county of Washington, and shall be obliged to remove the said nuisance, or forfeit and pay the sum of ten dollars for every day the same shall continue, to the use of the corporation of Georgetown, District of Columbia, to be recovered by action of debt at the suit of the United States.

**SEC. 16. *And be it further enacted,*** That it shall not be lawful for the said corporation to enter into any negotiation on bills or notes, nor to deal in exchange, discount, or other commercial or banking operation, or other business, in their corporate capacity, other than to vest their capital in

stocks of chartered companies, or in public securities, or to borrow money as may be found necessary for the carrying on the works proposed: and dividends of the profits of the stock shall be annually made, reserving only, at the discretion of the directors, such proportion as they, or a majority of stockholders, shall deem sufficient and necessary to promote or attain the object of this incorporation; and if the said corporation shall not carry into effect the intentions of this act within two years from the passage thereof, in that case all the powers hereby vested in them shall cease and determine.

Approved, April 13, 1814.

An Act to repeal an act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," and so much of any act or acts as prohibit the importation of goods, wares, and merchandise, of the growth, produce, or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain.

*Be it enacted &c.,* That the act entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," passed on the seventeenth day of December, one thousand eight hundred and thirteen, be, and the same is hereby, repealed: *Provided,* That all penalties and forfeitures which have been incurred under the said act, shall be recovered and distributed, and may be mitigated or remitted, in like manner as if the said act had continued in full force and virtue.

**SEC. 2. *And be it further enacted,*** That so much of any act or acts as prohibits the importation of goods, wares, or merchandise, of the growth, produce, or manufacture of Great Britain or Ireland, or any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain, and so much of any act or acts as prohibits importation into the United States or the Territories thereof, in neutral ships or vessels, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, be, and the same is hereby repealed: *Provided,* That all fines, penalties, and forfeitures, incurred by virtue of the said act or acts, shall be recovered and distributed, and may be mitigated or remitted, in like manner as if the same had continued in full force and virtue: *And provided also,* That nothing herein contained shall be construed to authorize or permit the importation of goods, wares, or merchandise, or of any article, the property of, or belonging at the time of such importation to the enemy or enemies of the United States.

Approved, April 14, 1814.

An Act declaring the assent of Congress to an act of the General Assembly of the State of Tennessee, therein mentioned.

*Be it enacted, &c.,* That the assent of Congress is hereby given and declared to an act of the General Assembly of the State of Tennessee, entitled

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"An act to provide for the more equal and equitable apportionment of the direct tax, laid upon the State of Tennessee by an act of the Congress of the United States at the last session, among the counties in this State:" *Provided*, That if all the principal assessors shall not have been appointed prior to the first day of February last past, that then, and in that case, the principal assessors, in the respective assessment districts, shall suspend the delivery of the tax lists to the respective collectors for one month after the time allowed for the last appointed assessor to complete the assessments and make out his tax lists, to be delivered to the collector; during which time of one month, it shall be the duty of the several principal assessors to comply with the provisions of the above described act of the General Assembly of the State of Tennessee.

SEC. 2. *And be it further enacted*, That it shall be the duty of the principal assessor last appointed, to give at least one month's notice to the other principal assessors, by publication in the newspapers published at Nashville, Knoxville, and Hawkins court-house, of the time of meeting at the seat of Government of said State to make the appointments aforesaid, which time of meeting shall be at least twenty days before the period at which the principal assessor last appointed will be required to deliver his tax lists to his principal collector.

SEC. 3. *And be it further enacted*, That if all the principal assessors should not attend at the time notified as aforesaid, that then, and in that case, those that do attend shall proceed to make an apportionment for their respective districts, by making the quota of each county bear the same proportion to the aggregate amount of the direct tax already apportioned among the several counties of their respective districts, by the act of Congress passed at the last session, that the assessed value of the property of each county bears to the aggregate amount of the assessed value of the property of all the counties in the districts of those who do attend.

SEC. 4. *And be it further enacted*, That if any one or more of the principal assessors shall fail to attend and perform the duties enjoined by the provisions of this act, and the act of the State of Tennessee, which is herein referred to, that then, in that case, such principal assessors shall immediately afterwards proceed to make out tax lists, and the tax shall be collected in their respective districts in the same manner as if this act had not been passed.

Approved, April 14, 1814.

An Act authorizing an augmentation of the Marine Corps, and for other purposes.

*Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to cause the marine corps, in the service of the United States, to be augmented by the appointment and enlistment of not exceeding one major, fourteen captains, twelve first lieutenants, twenty second lieutenants, sixty-one sergeants, forty-two drums and fifes, and six hundred and ninety-six privates,

who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations to which the said marine corps are or shall be entitled and subject.

SEC. 2. *And be it further enacted*, That the adjutant, paymaster, and quartermaster of the marine corps, may be taken either from the line of captains or subalterns; and the said officers shall respectively receive thirty dollars per month, in addition to their pay in the line, in full of all emoluments.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to confer brevet rank on such officers of the marine corps as shall distinguish themselves by gallant actions or meritorious conduct, or who shall have served ten years in any grade: *Provided*, That nothing herein contained shall be so construed as to entitle officers so brevetted to any additional pay or emoluments, except when commanding separate stations or detachments, when they shall be entitled to and receive the same pay and emoluments, which officers of the same grades are now or hereafter may be allowed by law.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint any of the officers authorized by this act; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint all or any of the officers of the Navy authorized by existing laws; which appointments shall be submitted to the Senate at their next session, for their advice and consent.

Approved, April 16, 1814.

An Act authorizing the appointment of certain officers for the flotilla service.

*Be it enacted, &c.*, That the President of the United States be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint four captains and twelve lieutenants, to be employed in the flotilla service of the United States, without rank in the Navy, but with the same relative rank and authority in the flotilla service as officers of the same grade are entitled to in the Navy of the United States.

SEC. 2. *And be it further enacted*, That the said captains shall receive the pay and subsistence of a captain in the Navy commanding a ship of twenty and under thirty-two guns, and the lieutenants the same pay and subsistence as officers of the same rank are entitled to in the Navy of the United States, and shall be governed by the rules and regulations provided for the government of the Navy.

SEC. 3. *And be it further enacted*, That it shall be lawful for the President of the United States to appoint, in the recess of the Senate, any of the officers authorized by this act, which appointments shall be submitted to the Senate at their next session. [Approved, April 16, 1814.]

*Public Acts of Congress.*

An Act to revive and continue in force "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia."

*Be it enacted, &c.,* That the act which passed the seventeenth day of March, in the year one thousand eight hundred, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," be, and the same is hereby, revived and continued in force until the third day of March, one thousand eight hundred and twenty-two: *Provided,* That nothing herein contained shall authorize the demand of a duty on tonnage, on vessels propelled by steam, employed in the transportation of passengers.

Approved, April 16, 1814.

An Act confirming certain claims to land in the Illinois Territory, and providing for their location.

*Be it enacted, &c.,* That the decisions made by the commissioners (appointed in pursuance of the act, entitled "An act for the revision of former confirmations, and for confirming certain claims to land in the district of Kaskaskia," passed the twentieth day of February, one thousand eight hundred and twelve) where such decisions were in favor of the claims, and where the commissioners have reported specially and have not rejected the claims; all such claims as entered in their report to the Secretary of the Treasury, bearing date the fourth day of January, one thousand eight hundred and thirteen, shall be and the same are hereby confirmed.

SEC. 2. *And be it further enacted,* That all the claims contained in a list transmitted to the Secretary of the Treasury by Michael Jones, one of the commissioners aforesaid, bearing date the eighteenth day of January, one thousand eight hundred and thirteen, shall be and the same hereby are confirmed: *Provided,* That any person who may have received a militia right, shall not receive in addition thereto more than three hundred acres of land by virtue of this section; and it shall be the duty of the Commissioner of the General Land Office to enter the list aforesaid of record in his office: *And provided, also,* That nothing in this act shall prevent or bar a judicial decision between persons claiming the same original title or claim.

SEC. 3. *And be it further enacted,* That all that tract of land included within the following boundary, viz: beginning at the township line nearest to and above the mouth of Big Muddy river, on the Mississippi river; thence east to the meridian line running from the mouth of the Ohio river; thence north with the said meridian line to the north boundary lines of township number five, north; thence west to the Mississippi river; thence down the same to the beginning, shall be, and the same hereby is, reserved and set apart to satisfy the unlocated claims of persons to land within the Illinois Territory confirmed to them heretofore or by this act.

SEC. 4. *And be it further enacted,* That any person or persons residing within the tract reserved by this act, and who had actually culti-

vated or improved any tract of land therein, before the fifth day of February, one thousand eight hundred and thirteen, not rightfully claimed by any other person, shall be entitled to a pre-emption in the purchase of such tract of land including the improvement: *Provided,* That the purchaser shall not enter less than one quarter section or more than one section; and any person claiming a pre-emption in the purchase under this act, who may be the owner of any unlocated confirmed claim which may be located within the tract aforesaid, shall be, and is hereby, authorized to deliver to the receiver of public money for the district within which the land lies, the evidences of his or their claim, which shall be received as payment for the quantity of land such person or persons would have been entitled to locate by virtue thereof; and in all cases where the land purchased shall not be completely paid for by the evidences of confirmed claims, the residue of the land shall be paid for at the same price, in the same manner, under the same restrictions, and liable to the same forfeiture as other public lands sold at private sale.

SEC. 5. *And be it further enacted,* That it shall be the duty of the register of the land office for the district of Kaskaskia, to give notice that all persons entitled to a pre-emption in the purchase of any tract of land, by virtue of this act, may make such purchase on application to him at his office on or before the first day of October next; and any person failing or refusing to enter with the register of the land office the land by such person improved, on or before the first day of October next, shall lose the right of pre-emption given by this act.

SEC. 6. *And be it further enacted,* That after the first day of October next, it shall be lawful for any person or persons being the owner of any unlocated confirmed claim, to enter with the register of the land office for the Kaskaskia district, any quantity of land within the reserved tract aforesaid, not exceeding one quarter section more than the quantity of acres contained in his claim or claims, and to deliver to the receiver of public money the evidence of his claim, which shall be received in payment for the number of acres specified therein, and the residue of the land thus entered which may exceed the amount of confirmed claims thus paid in, shall be paid for at the same price and in like manner as the other public lands of the United States sold at private sale. And if two or more persons shall make applications at the same time to enter the same tract or tracts of land, the priority of right to enter shall be decided by lot in the presence of the register of the land office; and any person or persons failing or refusing to enter or locate his claim within the reserved tract aforesaid, according to the provisions of this act, on or before the first day of May, one thousand eight hundred and fifteen, shall forfeit all right or claim against the United States, derived from confirmations under this act or any former law.

SEC. 7. *And be it further enacted,* That it shall be the duty of the register of the land office for

*Public Acts of Congress.*

the Kaskaskia district, to make out a certificate of confirmation to each person whose claim or claims are confirmed by this act, or by any former law, within the Territory of Illinois; and such certificate shall specify the quantity of land confirmed to the holder thereof, and shall be sufficient evidence of claim, within the meaning of this act, to entitle the owner or holder thereof to a credit with the receiver of public moneys, for the quantity of land mentioned in such certificate, within the reserved tract aforesaid; and the register of the land office shall receive the sum of seventy-five cents from the person demanding and receiving such certificate.

SEC. 8. *And be it further enacted*, That patents shall be obtained for lands entered under this act, in the reserved tract aforesaid, in the same manner and on the same terms as are provided by law for other public lands of the United States.

Approved, April 16, 1814.

An Act directing the disposition of money paid into the Courts of the United States.

*Be it enacted, &c.*, That, upon the payment of any money into any district or circuit court of the United States, to abide the order of the court, the same shall be deposited in such incorporated bank as the court may designate, and there remain till it shall be decided to whom it of right belongs: *Provided*, That if in any judicial district there shall be no incorporated bank, the court may direct such money to be deposited according to its discretion: *Provided, also*, That nothing herein shall be construed to prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court.

Approved, April 18, 1814.

An Act granting pensions to the officers and seamen serving on board the revenue cutters in certain cases.

*Be it enacted, &c.*, That the officers and seamen of the revenue cutters of the United States, who have been or may be wounded or disabled in the discharge of their duty whilst co-operating with the navy, by order of the President of the United States, shall be entitled to be placed on the navy pension list, at the same rate of pension, and under the same regulations and restrictions as are now provided by law for the officers and seamen of the navy.

Approved, April 18, 1814.

An Act fixing the time for the next meeting of Congress.

*Be it enacted, &c.*, That, after the adjournment of the present session, the next meeting of Congress shall be on the last Monday in October next.

Approved, April 18, 1814.

An Act fixing the salary of the Paymaster of the Army of the United States, and allowing a sum for the employment of additional clerks in his office, for the year one thousand eight hundred and fourteen, and providing for the appointment of Assistant District Paymasters.

*Be it enacted, &c.*, That in lieu of the monthly compensation now allowed by law to the Paymaster of the Army of the United States, he shall receive an annual salary of two thousand dollars, to be paid quarter yearly at the Treasury of the United States, and to commence on the first day of January last; and that, in addition to the amount already allowed by law for clerk hire in the office of the Paymaster of the Army of the United States, there shall be allowed the further sum of five thousand five hundred and forty-seven dollars, for the purpose of employing additional clerks in, and for contingent expenses of his office for the present year, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That the President of the United States be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint so many assistant district paymasters, not exceeding thirty, as the public service may, in his opinion, require: *Provided*, That the President of the United States shall have power to appoint any officer authorized by this act during the recess of the Senate, to be submitted to them for their advice and consent, at their next session.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Paymaster of the Army, under the direction of the War Department, to make all disbursements of money within that department to the district paymasters, and to adjust, state, and exhibit their several accounts, according to such forms, and within such periods as shall be prescribed for that purpose by the Treasury Department.

SEC. 4. *And be it further enacted*, That, to secure the regular and punctual payment of the troops, the district paymasters shall examine and transmit to the Paymaster of the Army the accounts and vouchers for all disbursements which have been made by them to the troops of the army or district where they shall be stationed, as soon as the first payment shall have been made, and accompany the same with an estimate for the next payment; which accounts and estimates shall be regularly transmitted, that settlements may be made and competent funds remitted: *Provided also*, That the said district and assistant paymasters shall make payments to the militia in the service of the United States when required by the Secretary of War or the Paymaster of the Army.

SEC. 5. *And be it further enacted*, That the assistant district paymasters shall receive the pay and emoluments of a captain of infantry, and forage for one horse.

SEC. 6. *And be it further enacted*, That the district and assistant district paymasters shall severally give bonds, with good and sufficient security

*Public Acts of Congress.*

to the United States, for the faithful performance of their duties, in such sums as shall be required by the Paymaster of the Army, under the direction of the War Department, and shall be subject to the rules and articles of war.

SEC. 7. *And be it further enacted*, That this act shall continue in force until the termination of the war in which the United States are now engaged with the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and for one year thereafter, and no longer.

Approved, April 18, 1814.

An Act to authorize the Secretary of State to liquidate certain claims therein mentioned.

*Be it enacted, &c.*, That the Secretary of State be and he is hereby directed to liquidate, according to principles of justice and equity, all the claims of the inhabitants of the late province of West Florida, now included within the limits of the State of Louisiana, or of the Mississippi Territory, for advances by them made for the use and benefit of the United States prior to, and since, the taking of possession of the said portion of the said late province of West Florida by the United States.

Approved, April 18, 1814.

An Act authorizing a subscription for the laws of the United States, and for the distribution thereof.

*Be it enacted, &c.*, That the Secretary of the Department of State be, and he hereby is, authorized and directed to subscribe, on behalf of the United States, for one thousand copies of the edition of the laws thereof, proposed to be printed and published by John Bioren and W. John Duane, of the city of Philadelphia, and Roger C. Weightman, of the city of Washington, upon such terms as he may deem reasonable, not exceeding fifteen dollars per copy: *Provided*, That said publication shall contain an edition of the laws of the United States, the Declaration of Independence, the Articles of Confederation, and the Constitution thereof, and the Treaties and Conventions made between the United States and foreign nations and the Indian tribes, and that it shall be comprised in four volumes, royal octavo, and shall include the laws passed at the present session of Congress, and that all laws relating entirely to the District of Columbia shall be excluded therefrom: *And provided further*, That the said edition shall be executed on a plan, and in a manner, that shall be prescribed by the Secretary of State and the Attorney General of the United States, whose duty it shall be to direct what acts shall be printed by title only. And the Secretary of State is hereby authorized and required to appoint a competent person to prepare said edition for publication, and to superintend the same under the direction of the Secretary of State and the Attorney General, who for his services shall be compensated by the publishers.

SEC. 2. *And be it further enacted*, That the said Secretary shall cause the said copies of the

laws to be distributed as soon as may be after publication, in manner following: one set shall be delivered to the President of the United States, the Vice President, and to each member of the Senate and House of Representatives; six sets shall be delivered to the Secretary of the Senate, and eighteen sets to the Clerk of the House of Representatives, for the use of said houses respectively; one set shall be delivered to each of the Judges of the Supreme Court, and Clerk thereof, to each of the Judges of the District Courts, and to each of the Marshals, Clerks, and Attorneys of each District; one set shall be delivered to the Secretary of State, the Secretary of the Treasury, to the Secretary of War, to the Secretary of the Navy, to the Attorney General, to the Director of the Mint, to the Comptroller, Auditor, and Register of the Treasury, to the Treasurer, to the Accountants of the War and Navy Departments, to the Postmaster General and the two Assistant Postmasters General, to the Commissioner of the Revenue, and to the Commissioner of the General Land Office each; two sets shall be delivered to the Legislatures of the several States and Territories respectively; one set shall be delivered to each of the Governors of the several States and Territories; and one set shall be delivered to each of the Judges of the Courts in the several Territories; and the residue of said subscription shall remain at the future disposal of Congress.

SEC. 3. *And be it further enacted*, That in case of the death, resignation, or dismissal from office of either of the officers before mentioned, excepting the President and Vice President of the United States, the members of the Senate and House of Representatives, and the Judges of the Supreme and District Courts, the said copies of the laws delivered to them, as aforesaid, shall belong to, and be delivered up, to their respective successors in the said offices.

SEC. 4. *And be it further enacted*, That the acts passed at each succeeding session of Congress, including future treaties, shall be printed in a form corresponding with the said edition, and shall be distributed in the same manner as heretofore by law directed.

Approved, April 18, 1814.

An Act authorizing the purchase of the vessels captured on Lake Erie.

*Be it enacted, &c.*, That the President of the United States be and he is hereby authorized to cause to be purchased the British vessels which were captured on Lake Erie by the American squadron, on the tenth day of September, in the year one thousand eight hundred and thirteen; and the sum of two hundred and fifty-five thousand dollars, in payment for the said vessels, shall be distributed as prize money among the captors, or their heirs.

SEC. 2. *And be it further enacted*, That, for carrying into effect this act, a sum not exceeding two hundred and fifty-five thousand dollars be and the same is hereby appropriated, to be paid

*Public Acts of Congress.*

out of any money in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That there be allowed and paid to Captain Oliver H. Perry, out of any money in the Treasury not otherwise appropriated, in addition to his share of prize money, as commander of the ship *Lawrence*, the sum of five thousand dollars.

Approved, April 18, 1814.

An Act concerning Invalid Pensioners.

*Be it enacted, &c.*, That the Secretary of War be and he is hereby directed to place the following named persons, (whose claims have been transmitted to Congress pursuant to a law passed tenth April, one thousand eight hundred and six,) on the pension list of invalid pensioners, according to the rates, and to commence at the times herein mentioned, that is to say:

Samuel C. Arickson, at the rate of five dollars per month, to commence the tenth June, one thousand eight hundred and thirteen.

Alexander Barr, at the rate of one dollar twenty-five cents per month, to commence twenty-ninth July, one thousand eight hundred and thirteen.

Ezra Bellows, at the rate of five dollars per month, to commence from twentieth June, one thousand eight hundred and twelve.

Daniel Dodd, at the rate of two dollars fifty cents per month, to commence on the eighteenth of May, one thousand eight hundred and thirteen.

Joel Terrell, at the rate of three dollars thirty-three cents per month, to commence on the eighteenth December, one thousand eight hundred and thirteen.

George Dugan, at the rate of two dollars fifty cents per month, to commence on tenth February, one thousand eight hundred and fourteen.

Joseph King, at the rate of two dollars fifty cents per month, to commence the nineteenth October, one thousand eight hundred and thirteen.

Andrew Green, at the rate of one dollar sixty-seven cents per month, to commence on the fourteenth day of October, one thousand eight hundred and thirteen.

Hugh Barns, at the rate of five dollars per month, to commence fifteenth June, one thousand eight hundred and thirteen.

Enoch Ducker, at the rate of five dollars per month, to commence the second February, one thousand eight hundred and fourteen.

Samuel Hawkins, at the rate of three dollars and thirty-three cents per month, to commence on the fourth February, one thousand eight hundred and fourteen.

Darby Mars, at the rate of five dollars per month, to commence the twenty-fifth December, one thousand eight hundred and thirteen.

Benjamin Daniels, at the rate of twenty-five dollars per month, to commence the twenty-second February, one thousand eight hundred and fourteen.

Robert McCulloch, at the rate of two dollars fifty cents per month, to commence the fourteenth

February, one thousand eight hundred and fourteen.

John Gilbert, at the rate of five dollars per month, to commence the thirtieth June, one thousand eight hundred and thirteen.

Henry Brenneman, at the rate of five dollars per month, to commence the fourth February, one thousand eight hundred and fourteen.

William Blanchard, at the rate of five dollars per month, to commence the thirteenth July, one thousand eight hundred and thirteen.

John Kersenaar, at the rate of three dollars thirty-three cents per month, to commence the first March, one thousand eight hundred and fourteen.

Robert Neil, at the rate of five dollars per month, to commence the fifth of March, one thousand eight hundred and fourteen.

John Berry, at the rate of five dollars per month, to commence the thirty-first March, one thousand eight hundred and fourteen.

Jonathan Willard, at the rate of ten dollars per month, to commence on March the seventh, one thousand eight hundred and fourteen.

Levi Bishop, of New York, at the rate of five dollars per month, to commence the twelfth of October, one thousand eight hundred and twelve.

John Fain, at the rate of four dollars per month, to commence on the tenth day of September, one thousand eight hundred and thirteen.

SEC. 2. *And be it further enacted*, That the pensions of the following named persons, already placed on the pension list of the United States, whose claims for an increase of pension have been transmitted to Congress, pursuant to the act aforesaid, be increased to the sums herein respectively annexed to their names; the said increase to commence at the times herein mentioned, that is to say:

Benjamin Jenkins, five dollars a month, to commence on the sixteenth of February, one thousand eight hundred and fourteen.

Abner Rose, five dollars per month, to commence on the fourth of March, one thousand eight hundred and fourteen.

Richard Fairbrother, five dollars per month, to commence thirtieth September, one thousand eight hundred and thirteen.

Joseph Cutler, ten dollars per month, to commence on the twenty-eighth February, one thousand eight hundred and twelve.

Thomas Monday, five dollars per month, to commence on the thirtieth January, one thousand eight hundred and fourteen.

Hezekiah Bailey, ten dollars per month, to commence on the thirtieth December, one thousand eight hundred and thirteen.

Elisha Reynolds, three dollars thirty-three cents per month, to commence on the sixth April, one thousand eight hundred and twelve.

SEC. 3. *And be it further enacted*, That depositions substantiating the facts necessary to entitle any person to be placed on the pension list, or to an increase of pension, may hereafter be taken before any judge of any of the courts of the State or Territory in which such person may reside,



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and the certificate of the clerk of the court, whereof the said judge is a member, shall be a sufficient authentication of his being such a judge.

Approved, April 18, 1814.

An Act extending relief to certain purchasers of public lands in the Mississippi Territory.

*Be it enacted, &c.,* That any person or persons having purchased lands of the United States, in the Mississippi Territory, who have been subjected to prosecutions by adverse claimants, who derived their titles from a Spanish grant, warrant, or order of survey, and where such prosecutions have terminated favorably to purchasers from the United States, such purchasers shall have one year, from the first day of June next, for the payment of any interest that may be due from them to the United States, on the purchase aforesaid.

Approved, April 18, 1814.

An Act to alter and establish certain Post Roads.

*Be it enacted, &c.,* That the post roads hereafter named be discontinued:

*In Maryland.*—From Queen Ann's to Pig Point.

*In Virginia.*—From Mecklinburg court-house, by St. Tammany and Lombardy Grove, to Gees's Bridge. From Tazewell court-house, by Russell court-house and Lee court-house, to Cumberland Gap. From Springfield to Romny.

*In North Carolina.*—From Suffolk, by Gates court-house, to Edenton. From Elizabethtown to Whitesville. From Charlotte, by Beaty's Ford, to Lincolnton.

*In Georgia.*—From Greensborough to Washington. From Darien, by Jones, to Milledgeville.

*In Kentucky.*—From Lewis court house, by Flemingsburg, Millersburg, Mount Sterling, Olympian Springs, and Little Sandy salt works, to Catletsburg.

*In Tennessee.*—From Alexander's, by White Plains, to Carthage. From Bledsoe court-house to Franklin court-house.

*In Ohio.*—From Steubenville, by Faucettstown, to New Lisbon. From New Lisbon, by Salem, to Columbiana. From Springfield to Troy. From Zanesville to Coshocton.

*In Louisiana.*—From La Fourch, by Point Coupee, to Opelousa.

*In Indiana.*—From Jeffersonville, by Clarks-ville, to Vincennes.

SEC. 2. *And be it further enacted,* That the following be established post-roads:

*In New Hampshire.*—The post road from Rochester to Wakefield be altered so that it pass through Farmington, Middleton, and Wolfborough, to Wakefield.

*In Maine.*—From Waterford, by Norway, Plantation Third, Rumford, and Bethel, to Waterford. From Livermore, by Jay and Wilton, to Farmington.

*In Massachusetts.*—From Springfield to Southwick. From Stafford, Connecticut, by Monson, to Palmer, in Massachusetts. From Hatfield, by Whatly, Conway, and Ashfield, to Charlemont.

From Athol to Greenfield. From Kingston to Halifax.

*In Connecticut.*—From Middletown, by Hebron, to Windham. From Sharon, by Ellsworth, Cornwall bridge, and Warren, to Litchfield. From Providence, in Rhode Island, through Scituate, to Ashford, in Connecticut.

*In New York.*—From Bettsburg to Deposit. From Albany, by Bath, Sand Lake, Stephenson, Hancock, and Lanesborough, to Dalton, in Massachusetts. From Sheldon, by Willink and Hamburg to Buffalo. From Onondago, by Tully, Preble, and Homer, to Courtland court-house. From Chesterfield to Jay, in Essex county. From Peekskill, by West Point, to Newburg. From Stamford, by Waterville, to Roseville. From Esperanza, by Schoharie court-house and Middleburg, to Stanford, on the turnpike road. From Middletown, Delaware county, by Colchester and Hancock, to Deposit. From Aurelius to Sempronius. From Brooklin to Flatbush. From Albany, by Spencertown, to Sheffield, in Massachusetts. From Cairo, by Windham, to Lexington. From Green, on the turnpike, West, to Lisle.

*In New Jersey.*—From Morristown, by Newton, to Millford, in Pennsylvania.

*In Pennsylvania.*—From Wysor, by Orewill and Warren, to Nanticoke, in New Jersey. From Washington to West Alexandria. From York, by York Haven, to Middletown. From Somerset, by Melford, Turkeyfoot and Addison, to Smith's Stand, on the national road. From Lewistown, by Beavertown, Middleburg and Selin's Grove, to Sunbury. From Beaverstown to Burgetstown. From Burgetstown, by Hookstown, Georgetown, Beaver bridge and Fulkstown, to New Lisbon, in Ohio. From Burlington to Easton. From Wilmington, by West Chester, to Pottsgrove, Swamp Churches and Summary Town, to Samuel Seller's tavern, on the post road leading from Philadelphia towards Bethlehem, in Bucks county. From the town of Indiana, through Kataning, to Butler Town.

*In Ohio.*—From Urbanna to Springfield, in Champaign county. From Canton, by Springfield, Suffield, Talmadge and Stow, to Cleveland. From Portsmouth to Vanceburg, in Kentucky. From Urbanna to Troy. From Chillicothe, by Lebanon, to Cincinnati. From Athens, by Lancaster, to Columbus. From Cadiz, by Freeport, White Eyes Plains, Coshocton, Mount Vernon and Clinton, to Fredericktown. From Steubenville, by Faucettstown, Fulkstown, Achor, Fairfield, Columbiana, Salem, Grissels, Sandy Store, Thompson's salt works, and Lower salt works, to Steubenville. From Columbus, by Washington, to Newmarket. From Columbus, by London, to Xenia.

*In Indiana.*—From Eaton, in Ohio, to Salisbury. From Washington court-house to Valonia. From Charlestown, by Washington court-house and Lindley's mills, to Vincennes.

*In Illinois.*—From Cahokia, by Madison court-house and Clinton Hill to Cahokia. From Kas-kaskia to Johnson court-house.

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*In Delaware.*—From Christiana to Newark.

*In Maryland.*—From Libertytown, by Union Bridge and Uniontown, to Westminster. From Annapolis to Pig Point.

*In Virginia.*—From Clarksburg, by Morgantown, Waynesboro, in Pennsylvania, to Wheeling. From Monroe court-house, to Lewisburg. From Fredericksburg to the mouth of the Potomac run. From Fincastle, by the mouth of Cowpasture, to Callahan's. From Norfolk, by Elizabeth City, to Edenton, in North Carolina. From Wood court-house to Jacksonville. From Abingdon, by Russell court-house and Mockinson Gap, to Abingdon. From Pughtown to Springfield. From Dumfries, by Walnut Branch, to Fauquier court-house. From Columbia to Warren. From Charlottesville to Warren. From Percival's, by Lewisville and Lombardy Grove, to St. Tammany. From Petersburg, by Frenchtown, to Morganville. From Hanover court-house, by Hanover town and New Castle, to New Kent court-house.

*In Kentucky.*—From Mount Sterling to Floyd court-house. From Bairdstown, by Grayson court-house and Butler court-house, to Russellville. From Washington, by Williamsburg, to Lewis court-house. From Greenup court-house to Little Sandy salt works.

*In North Carolina.*—From Grayson court-house, Virginia, by Edwards and McMillen's, to Ash court-house. From Suffolk, Virginia, by Sunbury and Gates court-house, to Edenton. From Trent Bridge, by Trenton, to Duplin court-house. From Winton to Gate's court-house. From Windsor to Williamston's. From Wilmington, by Whiteville and Fairbluff, to Barfield Mill, in South Carolina. From Charlotte to Lincolnton. From Salisbury to Lincolnton. From Hillsborough, by High Rock, to Lennox Castle.

*In Tennessee.*—From Newport, by Greenville, Rogersville, and Lee court-house, in Virginia, to Cumberland Gap. From Carthage, by Sparta, to Alexander's. From Sparta, by McMinville, and Winchester, in Franklin county, to Huntsville, in the Mississippi Territory.

*In South Carolina.*—From Belfast, by Satterthwait's, to Cambridge.

*In Georgia.*—From Milledgeville, by Greenboro, Lexington, and Danielsville, to Carnsville. From Milledgeville, by Irvington, Dublin, Montgomery court-house, Tainal court-house, and Barrington, to Darien. From Dublin to Telfair court-house. From Riceboro, by Barrington and Jefferson, to St. Marys. From Brunswick to Frederica.

*In Louisiana.*—From Blanchardsville, by Assumption, to Opelousa. From Assumption to La Fourch Interior court-house. From Concordia to Washita court-house. From Concordia to Warren court-house.

SEC. 3. *And be it further enacted,* That the Postmaster General cause a mail to be carried from the nearest post office on any established post road to the court-house of any county which is now, or may hereafter be, established in any

of the States or Territories of the United States, and which is not or will not otherwise be accommodated with the mail; and the road on which the same shall be so carried, shall thereupon become a post road, and so continue until other provisions shall be made by law for the accommodation thereof with the mail.

SEC. 4. *And be it further enacted,* That the Secretary of State be, and he hereby is, authorized to transmit by the mail, free of postage, one copy of the documents hereafter mentioned, being on subjects of a general nature, and which may be ordered to be printed by either House of Congress, namely, of communications with the accompanying documents, made by the President of the United States to Congress, or either House thereof; of reports made by the Secretary of State, by the Secretary of the Treasury, by the Secretary of War, by the Secretary of the Navy, by the Postmaster General, by the Commissioners of the Sinking Fund, to Congress, or either House thereof, in pursuance of any law or resolution of either House: affirmative reports on subjects of a general nature made to Congress, or either House thereof, by any committee, respectively: for each of the Judges of the Supreme Court, and of the district courts, and of the Territories of the United States, to any post office within the United States, they may respectively designate.

Approved, April 18, 1814.

An Act to incorporate the Directors of the Washington Library Company.

*Be it enacted, &c.,* That James Laurie, Joseph Stretch, William Parker, Jonathan S. Findlay, George Way, Moses Young, and Thomas H. Gilliss, and their successors, duly elected or appointed in manner hereinafter directed, be, and they are hereby made, declared, and constituted a corporation and body politic, in law and in fact, to have continuance forever, by the name style, and title of "The Directors of the Washington Library Company," and by such corporate name, style, and title, shall be hereafter forever able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts or other places, and before any judge or judges, justice or justices, or other persons whatsoever, within the District of Columbia, or elsewhere, in all and all manner of suits, actions, complaints, pleas, causes, matters, and demands, of whatever kind or nature they may be, in as full and effectual a manner as any person or persons, bodies politic or corporate, may or can do.

SEC. 2. *And be it further enacted,* That all and singular the goods, chattels, and other effects, of what kind or nature soever, heretofore given, granted, or devised to the said library company, or to any person or persons for the use thereof, or that may have been purchased for or on account of the same, be, and the said goods, chattels, and other effects, are hereby vested in and

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confirmed to the said corporation. And the said corporation may take and receive any sum or sums of money, or any goods, chattels, or other effects of what kind or nature soever, which shall or may hereafter be given, granted, or bequeathed unto them by any person or persons, bodies politic or corporate, capable of making such gift, grant, or bequest: *Provided*, That the goods, chattels, and other effects vested in and confirmed to the said corporation, and moneys, goods, chattels, and effects, which by this act the said corporation is authorized hereafter to receive, shall not in the whole exceed in value fifty thousand dollars.

SEC. 3. *And be it further enacted*, That the said corporation shall have full power and authority to make, have, and use a common seal, with such device and inscription as they shall think proper, and the same to break, alter, and renew at pleasure: to appoint a treasurer and librarian, and such other officers as they may, from time to time, deem necessary: to assign them their duties, fix their compensation, and remove him or them from office, and appoint another or others in his or their place as often as they shall think fit: to make, ordain, establish, and execute such by-laws and ordinances as may be deemed useful to the institution, and the same to alter, amend, or abrogate at pleasure: to fix the price of new shares and annual contributions on each share: to direct how transfers shall be made and certified: to procure by purchase, rent, or otherwise, a suitable place for keeping the library: to appoint the times for keeping the library open, and for taking out and returning books: to fill up vacancies that may happen in their own body between two annual elections: to levy and collect fines and forfeitures: and to determine upon, do, and transact all business and matters appertaining to the said corporation and library company, agreeably to the rules, ordinances, and by-laws thereof, during their continuance in office: *Provided*, That not less than a majority of the said directors be a quorum to do business; that no rule, ordinance, or by-law, be made repugnant to the laws of this District or of the United States: and that no contribution be laid on any one share, in any one year, exceeding three dollars, without the consent of a majority of the shareholders.

SEC. 4. *And be it further enacted*, That an election for seven directors of "The Washington Library Company" shall be held on the first Monday in April next, and on the first Monday in April annually, thereafter, at the library room, under the direction of such persons as the present directors and their successors may appoint; which appointment shall be at least five days previous to the day of election. They shall also publish the names of the persons so appointed to hold the election, in some newspaper printed in the City of Washington, at least three days previous to such election's being held; the polls for which shall be kept open from three o'clock until six o'clock P. M.; and no person shall be eligible as a director, or have a right to

vote for a director, who is not at the time of voting, or being voted for, a share holder in the said company, or who shall be in arrears to the said company, for any annual contribution, fines, or forfeitures: and all persons qualified to vote, may vote either personally or by proxy, by ballot.

SEC. 5. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Approved, April 18, 1814.

An Act to provide for the collection and preservation of such flags, standards, and colors, as shall have been or may hereafter be taken by the land and naval forces of the United States, from their enemies.

*Be it enacted, &c.*, That the Secretaries of the War and Navy Departments be, and they are hereby, directed to cause to be collected and transmitted to them, at the seat of the Government of the United States, all such flags, standards, and colors, as shall have been or may hereafter be taken by the Army and Navy of the United States, from their enemies.

SEC. 2. *And be it further enacted*, That all the flags, standards, and colors of the description aforesaid, which are now in the possession of the departments aforesaid, and such as may be hereafter transmitted to them, be, with all convenient despatch, delivered to the President of the United States, for the purpose of being, under his direction, preserved and displayed in such public place as he shall deem proper.

SEC. 3. *And be it further enacted*, That the sum of five hundred dollars be, and the same is hereby appropriated, for the above purposes, out of any moneys in the Treasury not otherwise appropriated.

Approved, April 18, 1814.

An Act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned.

*Be it enacted, &c.*, That, from and after the first day of June next, there shall not be allowed or paid to either the marshal or attorney of the districts of Massachusetts, Rhode Island, Connecticut, the southern district of New York, or Pennsylvania, nor to the clerk of the district and circuit court of the United States in either of said districts, any daily compensation for attending on the said courts, and that the clerks of the district and circuit courts of the United States shall be entitled to one-half of one per centum and no more on money deposited in court, any law to the contrary notwithstanding.

Approved, April 18, 1814.

An Act in further addition to an act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."

*Be it enacted, &c.*, That, in addition to the officers of the militia provided for by the act, entitled "An act more effectually to provide for the national defence by establishing an uniform militia

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throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two, and by an act in addition to the said recited act, approved March the second, one thousand eight hundred and three, there shall be to each division one division inspector, with the rank of lieutenant colonel, and one division quartermaster, with the rank of major; to each brigade one aid-de-camp, with the rank of captain; and the quartermasters of brigade heretofore provided for by law, shall have the rank of captain. And it shall be incumbent on the said officers to do and perform all the duties which by law and military principles are attached to their offices respectively.

Approved, April 18, 1814.

An Act in addition to the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes."

*Be it enacted, &c.,* That courts martial, to be composed of militia officers alone, for the trial of militia draughted, detached, and called forth for the service of the United States, whether acting in conjunction with the regular forces or otherwise, shall, whenever necessary, be appointed, held, and conducted in the manner prescribed by the rules and articles of war for appointing, holding, and conducting courts martial, for the trial of delinquents in the army of the United States.

SEC. 2. *And be it further enacted,* That in all cases in the militia, where an offence is punishable by stoppage of pay or by imposing a fine, limited by the amount of pay, the same shall be taken to have relation to the monthly pay existing at the time the offence was committed.

SEC. 2. *And be it further enacted,* That if any delinquent directed to be summoned to appear before a court martial for neglect or refusal to obey the orders of the President of the United States, in any of the cases recited in the first, second, third, and fourth sections of the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," passed February twenty-eighth, one thousand seven hundred and ninety-five, shall be absent when any non-commissioned officer shall call to summon him, it shall be a sufficient summoning of such delinquent if the non-commissioned officer leave a copy of the summons, or a written notice thereof, signed by him, with some person of suitable age and discretion, at the usual place of abode of such delinquent, at least ten days previous to the day of appearance. And, in case of the non-appearance of such delinquent, the court martial may proceed with his trial in the same manner as if he had appeared and plead not guilty to the charge exhibited against him.

SEC. 4. *And be it further enacted,* That it shall be the duty of the president of any court martial for the trial of militia, if required, and upon his

being duly satisfied that such testimony is material to the trial, to issue his precept, directed to any person to be summoned as a witness, commanding his or her attendance at such court, to testify for or against the person to be tried, as the case may be; and any witness having been duly summoned and failing to appear, without a reasonable excuse, shall forfeit and pay a sum not exceeding fifty dollars, to be sued for and recovered in the name of the United States, by bill, plaint, or information, in any court of competent jurisdiction. And if any witness, when called upon for that purpose, shall refuse to testify, or shall behave with contempt to the court, or if any other person shall use any menacing words, signs, or gestures, in presence thereof, or shall cause any riot or disorder therein, it shall be lawful for such court to punish every such offender by imprisonment, for a term not exceeding one month, at the discretion of the court.

SEC. 5. *And be it further enacted,* That, for the purpose of carrying into execution the sentence, judgment, or order of any such court martial, for any of the offences specified, in the last clause of the preceding section of this act, it shall be lawful for the court to issue an order to any commissioned officer of militia, not below the rank of captain, commanding him to carry the same into effect by military force; whose duty it shall be to obey the same, and execute the order accordingly.

SEC. 6. *And be it further enacted,* That on the trial of delinquents, for offences not capital, by any such court martial, the deposition of witnesses taken before a justice of the peace or other person authorized to take affidavits to be read in any court of record in the State where the same shall be taken, may be read in evidence, provided the prosecutor and person accused are present at taking the same, or are duly notified thereof. And further, that the returns of captains or other commanding officers of companies, of delinquents draughted or ordered into the service of the United States, who shall have refused or neglected to enter the same, sworn to as aforesaid, shall be competent evidence of the facts therein contained.

SEC. 7. *And be it further enacted,* That if any person shall wilfully swear false before any such court martial, or in any affidavit or deposition taken as aforesaid, he or she shall be adjudged to be guilty of wilful and corrupt perjury, and shall be indicted, tried, and punished accordingly, by any court of competent jurisdiction in the State where such offence shall be committed.

SEC. 8. *And be it further enacted,* That the militia, when called into the service of the United States by virtue of the before recited act, may, if in the opinion of the President of the United States the public interest require it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous, in any one year.

SEC. 9. *And be it further enacted,* That regimental chaplains in the militia, which have been or shall be called into the service of the United

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States, shall receive the same monthly pay and rations as a captain of infantry, with the addition of forage for one horse; and, whenever called forth into the service of the United States, division quartermasters shall be entitled to the pay, emoluments, and allowances of a deputy quartermaster general; brigade quartermasters, to the pay, emoluments, and allowances of an assistant deputy quartermaster general; and regimental quartermasters, to the pay and emoluments of a lieutenant of infantry, and sixteen dollars per month in addition thereto, and forage for one horse; division inspectors shall be entitled to the pay, emoluments, and allowances of a lieutenant colonel of infantry; brigade majors, to the pay, emoluments, and allowances of a major of infantry; aids-de-camp to brigadier generals, to the pay, emoluments, and allowances of a captain of infantry; with an addition of sixteen dollars per month, and forage for one horse.

SEC. 10. *And be it further enacted*, That the expenses incurred, or to be incurred, by marching the militia of any State or Territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, or which shall have been or may be incurred in cases of calls made by the authority of any State or Territory which shall have been or may be approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President of the United States: *Provided*, That nothing herein contained shall be considered as authorizing any species of expenditure previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

SEC. 11. *And be it further enacted*, That in all cases where a brigade of militia shall be called forth for actual service, it shall be the duty of the brigade major of such brigade to inspect and muster the same, and sign the muster rolls, conformably to the provisions of the act, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States." If less than a brigade be called forth, then it shall be the duty of a brigade major of the district wherein such militia may rendezvous, to inspect and muster the same, and sign the muster rolls: two musters to be made in the manner aforesaid, one on the assembling, and the other on the discharge of such militia. If there should be no brigade major in the vicinity, the commanding officer may direct any officer under the rank of lieutenant colonel, whether of the regular troops or militia, to inspect and muster the militia so called forth.

SEC. 12. *And be it further enacted*, That any commissioned officer, non-commissioned officer, musician, or private of the militia of the United States, who shall have committed an offence while in the actual service of the United States, may be tried and punished for the same, although his term of service may have expired, in like

manner as if he had been actually in the service of the United States.

SEC. 13. *And be it further enacted*, That this act be continued in force for and during the present war, and no longer.

Approved, April 18, 1814.

An Act concerning the pay of officers, seamen, and marines, in the Navy of the United States.

*Be it enacted, &c.*, That the pay and subsistence of the respective commissioned and warrant officers be as follows: a lieutenant other than a master commandant, or lieutenant commanding a small vessel, forty dollars per month and three rations per day; a chaplain forty dollars per month and two rations per day; a sailingmaster forty dollars per month and two rations per day; a surgeon fifty dollars per month and two rations per day; a surgeon's mate thirty dollars per month and two rations per day; a purser forty dollars per month and two rations per day; a boatswain twenty dollars per month and two rations per day; a gunner twenty dollars per month and two rations per day; a sailmaker twenty dollars per month and two rations per day; and that the pay to be allowed to the petty officers and midshipmen, and the pay and bounty upon enlistment of the seamen, ordinary seamen, and marines, shall be fixed by the President of the United States: *Provided*, That the whole sum to be given for the whole pay aforesaid, and for the pay of officers, and that the amount of bounties upon enlistment of seamen and marines, shall not exceed for any year the amount which may, in such year, be appropriated for those purposes respectively.

SEC. 2. *And be it further enacted*, That the President be and he is hereby authorized to make an addition, not exceeding twenty-five per cent., to the pay of the officers, petty officers, midshipmen, seamen, and marines, engaged in any service, the hardships or disadvantages of which shall, in his judgment, render such an addition necessary.

Approved, April 18, 1814.

An Act supplemental to an act, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans."

*Be it enacted, &c.*, That the time for delivering notices and the evidences of claims to lands as required by the act to which this is a supplement, be and the same hereby is extended until the first day of September next.

SEC. 2. *And be it further enacted*, That it shall be the duty of the commissioners appointed under the act aforesaid, to receive such evidences as to them may be offered in support of any claims which may not be embraced by said act, and to report the same, together with those referred to in the first section of this act, on or before the first day of November next, to the Commissioner of the General Land Office, to be by him laid before Congress at their next session.

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SEC. 3. *And be it further enacted*, That the commissioner for the district east of Pearl river and west of the Perdido be and he is hereby authorized and required to receive and make report as aforesaid on all claims to lands lying east of the river Tombigbee.

Approved, April 18, 1814.

An Act to fix the compensation of the Clerks employed in the offices of the Secretary of the Senate and Clerk of the House of Representatives.

*Be it enacted, &c.*, That in lieu of the annual compensations of the clerks employed in the office of the Secretary of the Senate and in the office of the Clerk of the House of Representatives, as now fixed by law, there shall be allowed to the principal clerk in each of said offices fifteen hundred dollars, and to each of the engrossing clerks employed in said offices twelve hundred and fifty dollars per annum, to be paid quarterly out of any money in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That this act shall take effect from and after the thirty-first day of December, one thousand eight hundred and thirteen.

Approved, April 18, 1814.

An Act to amend the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, and for other purposes.

*Be it enacted, &c.*, That nothing contained in the first section of the act laying duties on licenses to retailers of wines, spirituous liquors, and foreign merchandise, shall be construed to extend to physicians who keep on hand medicines solely for the purpose of making up their own prescriptions for their own patients, nor shall any physician, surgeon, or chemist, for vending, solely in his practice, medicines to his patients, be subjected to take out license as a retail dealer in foreign merchandise.

SEC. 2. *And be it further enacted*, That where any collector shall have required any physician, surgeon, or chemist, vending medicine exclusively to his patients in his practice, to take out license as a retailer in foreign merchandise, every such collector is hereby authorized and required to cancel every such license and to repay any money received for the same, and in every case where the money has not been received to grant a release for the same.

SEC. 3. *And be it further enacted*, That upon the sale or transfer of any licensed still or boiler, or other vessel used in distillation, the right of using the same, during the term for which such license shall remain in force, shall accrue to the new proprietor or possessor; entry of such sale or transfer having been previously made at the office of the collector for the district by the person selling or transferring the same, and the same having been endorsed on the original license.

SEC. 4. *And be it further enacted*, That in case any still, boiler, or other vessel used in distillation, shall be burnt or otherwise destroyed,

the collector for the district wherein the same shall have been situate, shall be empowered, and is hereby directed, to remit such portion of the duties which may have been bonded for the license granted therefor, and shall, at the time of the burning or destruction thereof, remain unpaid, as would have accrued for the time between such burning or destruction, and the expiration of the period for which such license was granted: *Provided*, That previous to such remission, the said burning or destruction shall be verified, under the oath or affirmation of the owner or superintendent of such still, boiler, or other vessel, before a judge or justice of the peace residing within the said district: *And provided*, That the said judge or justice shall endorse on said certificate his belief of the facts therein set forth, and that the burning or destruction did not arise from a fraudulent intent to defraud the revenue, and in case of such remission of duties, the license previously granted for such still, boiler, or other vessel used in distillation, shall be of no further avail.

SEC. 5. *And be it further enacted*, That in case any person or persons, to whom a license for retailing may be granted, shall die before the commencement or during the period thereof, the heirs, executors, or administrators of such person or persons shall be authorized to retail under the same; and any person to whom a license for retailing shall be granted, may, on application in writing to the collector for the district, have the same transferred to any other person in the same collection district; in which several cases it shall be the duty of the collector to endorse on the said licenses a certificate of such transfer, without which certificate this provision shall be of no avail.

SEC. 6. *And be it further enacted*, That in case any person or persons, to whom a license for employing a still in distilling spirituous liquors may be granted, shall die before the commencement or during the period thereof, the heirs, executors, or administrators of such person or persons shall be authorized to employ the same for the unexpired period of such license: *Provided*, An application previous to using the same be made in writing by the said heirs, executors, or administrators, to the collector for the district, and that a certificate of such transfer be endorsed thereon by him, without which certificate this provision shall be of no avail.

SEC. 7. *And be it further enacted*, That it shall be the duty of any person to whom a license for retailing may have been granted, to produce and exhibit the same on the demand of the collector for the district made at the place of retailing, for refusing to do which said person shall forfeit the sum of one hundred dollars.

SEC. 8. *And be it further enacted*. That in case of the sickness or temporary inability of a collector to discharge such of his duties as cannot, under existing laws, be discharged by a deputy, they may be devolved by him on a deputy: *Provided*, Information thereof be immediately communicated to the Commissioner of the Rev-



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enue, and the same shall be approved by him: *And provided*, That the responsibility of the collector, or his sureties, to the United States, shall not be thereby impaired.

SEC. 9. *And be it further enacted*, That in case a collector shall die, resign, or be removed, the deputy in his service, at the time immediately preceding, who shall have been longest employed by him, may and shall, until a successor is appointed, discharge all the duties of said collector.

SEC. 10. *And be it further enacted*, That all letters and packets to and from the Commissioner of the Revenue, of whatever weight, shall be received and conveyed by the mail, free of postage.

Approved, April 18, 1814.

An Act making additional appropriations for the service of the year one thousand eight hundred and fourteen.

*Be it enacted, &c.*, That the sum of six hundred and twenty-five thousand dollars be and the same is hereby appropriated for the purpose of defraying the expenses which have been or may be incurred in building and equipping vessels of war on Lakes Ontario and Champlain, to be paid, first, out of the balances of appropriations for the support of the Navy remaining unexpended at the end of the year one thousand eight hundred and thirteen, and, secondly, out of the surplus of any other appropriation which may, in the opinion of the President, be transferred to that object without injury to the public service.

SEC. 2. *And be it further enacted*, That for defraying the expense of additional clerks in the offices of the Secretary of the Treasury, Comptroller, and Auditor of the United States, the following sums, in addition to the sum already appropriated, be and they are hereby appropriated: For the office of the Secretary of the Treasury, the sum of one thousand dollars; for the office of the Comptroller, seven hundred dollars; and for the Auditor's office, one thousand dollars; which several sums shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That, in addition to the sums already appropriated to those objects, the sum of one hundred and eighty-nine thousand two hundred and ninety-one dollars be and the same is hereby appropriated to pay the bounty, subsistence, clothing, and other expenses of the marine corps, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted*, That the sum of one hundred and twenty-two thousand seven hundred dollars be appropriated for the bounty and pay of seamen for the year one thousand eight hundred and fourteen, in addition to the sum already appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, April 18, 1814.

An Act concerning certificates of confirmation of claims to lands in the State of Louisiana.

*Be it enacted, &c.*, That, in all cases where certificates of confirmation to lands lying in either of

the land districts established by law in the State of Louisiana, have been issued agreeably with the provisions of the act, entitled "An act respecting claims to lands in the Territories of Orleans and Louisiana," passed the third March, one thousand eight hundred and seven, and which were directed to be filed with the proper Register of the Land Office within twelve months after date, and on claims which are included in the transcript of divisions made in favor of claimants and transmitted to the Secretary of the Treasury, the said certificates shall, in every case where the lands have not been already surveyed according to law, be by the said registers delivered to the principal deputy surveyor of the district, together with the proper descriptions of the tracts to be surveyed, wherein the quantity, locality, and connexion, when practicable with each other, shall be stated at any time after the expiration of three months from the passage of this act, (unless the claimant shall otherwise specially direct,) whose duty it shall be, under the direction of the surveyor of the lands south of Tennessee, to accurately survey the land at the expense of the United States, according to the said certificates of confirmation and description, and make general and particular plats thereof, which he shall return to the office of the proper register, together with the original certificates; and it shall be the further duty of the said surveyor to make a like return of the plats to the Commissioner of the General Land Office: *Provided*, The expense of surveying the said tracts shall not exceed that allowed by law for surveying the public lands in the said State.

SEC. 2. *And be it further enacted*, That, so soon as the said tracts of land shall have been thus surveyed, and the surveys thereof returned to the office of the proper register, together with the original certificates of the commissioners, it shall be the duty of the said register to issue certificates in favor of the claimants entitled thereto, which he shall transmit to the Commissioner of the General Land Office, and if it shall appear to the satisfaction of the said commissioner that the certificates have been fairly obtained, and correspond with the transcript heretofore transmitted to the Secretary of the Treasury, and the plats returned by the surveyors, patents shall be granted in like manner as is provided by law for the other public lands of the United States; which patents shall be transmitted by the Commissioner of the General Land Office to the proper register, to be by him delivered to the claimants entitled thereto; and the said register for delivering the certificates and descriptions of the tracts to the surveyor, making out and forwarding the returns to the General Land Office, and delivering the patents, shall be entitled to, and receive from each claimant, the sum of two dollars for such patent so delivered.

Approved, April 18, 1814.

An Act granting to the President and Directors of the New Orleans Navigation Company and their successors, a lot of ground.

*Be it enacted, &c.*, That all the right and claim

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of the United States to a lot of ground in the county of Orleans and State of Louisiana, bounded above by the lands of Don Miguel, and fronting on the bayou St. John, containing one hundred and eighty feet front and five hundred and forty feet back, including the improvements thereon, now occupied by the said company, be and the same hereby is vested in and conveyed to the president and directors of the Orleans Navigation Company, for the time being, and their successors, for the use and benefit of the said company forever.

Approved, April 18, 1814.

Resolution for the printing and distribution of an additional number of the Journals of Congress, and of the documents published under their order.

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That of the public Journals of the Senate and of the House of Representatives, of the present, and every future Congress, commencing with the present session, and of the documents published under the orders of the Senate and of the House of Representatives, respectively, from the commencement of the present session, there shall be printed two hundred copies beyond the number usually printed; of which twenty-five copies shall be deposited in the Library of the United States, at the seat of Government, to be delivered to members of Congress during any session, and to all other persons authorized by law to use the books in the said Library, upon their application to the Librarian, and giving their responsible receipts for the same, in like manner as for other books. And that so many other of the said copies shall be transmitted, in like manner as the acts of Congress are transmitted, to the Executives of the several States and Territories, as shall be sufficient to furnish one copy to each Executive, one copy to each branch of every State and Territorial Legislature, one copy to each university and college in each State, and one copy to the historical society incorporated, or which shall be incorporated, in each State: and that the residue of the said two hundred copies be deposited in the Library of the United States, subject to the future disposition of Congress.

Approved, December 27, 1813.

Resolutions expressive of the sense of Congress of the gallant conduct of Captain Oliver H. Perry, the officers, seamen, marines, and infantry, acting as such, on board of his squadron.

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the thanks of Congress be and the same are hereby presented to Captain Oliver Hazard Perry, and through him to the officers, petty officers, seamen, marines, and infantry serving as such, attached to the squadron under his command, for the decisive and glorious victory gained on Lake Erie, on the tenth of September, in the year one thousand eight hundred and thirteen, over a British squadron of superior force.

*Resolved,* That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to Captain Perry and Captain Jesse D. Elliott, in such manner as will be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers, either of the Navy or Army, serving on board, and a sword to each of the midshipmen and sailingmasters who so nobly distinguished themselves on that memorable day.

*Resolved,* That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant John Brooks, of the marines, and a sword to the nearest male relatives of Midshipmen Henry Laub and Thomas Claxton, junior, and to communicate to them the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.

*Resolved,* That three months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, marines, and infantry, serving as such, who so gloriously supported the honor of the American flag, under the orders of their gallant commander, on that signal occasion.

Approved, January 6, 1814.

Resolution relative to the brilliant achievement of Lieutenants Burrows and McCall.

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be requested to present to the nearest male relative of Lieutenant William Burrows, and to Lieutenant Edward R. McCall, of the brig Enterprise, a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each of the commissioned officers of the aforesaid vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the conflict with the British sloop Boxer, on the fourth of September, in the year one thousand eight hundred and thirteen. And the President is also requested to communicate to the nearest male relative of Lieutenant Burrows the deep regret which Congress feel for the loss of that valuable officer, who died in the arms of victory, nobly contending for his country's rights and fame.

Approved, January 6, 1814.

Resolution relative to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war, the Peacock.

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be requested to present to the nearest

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male relative of Captain James Lawrence, a gold medal, and a silver medal to each of the commissioned officers who served under him in the sloop of war *Hornet*, in her conflict with the British vessel of war, the *Peacock*, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the capture of that vessel; and the President is also requested to communicate to the nearest relative of Captain Lawrence the sense which Congress entertains of the loss which the Naval service of the United States has since sustained in the death of that distinguished officer.

Approved, January 11, 1814.

Resolution directing a sword to be presented to the nearest male relation of Midshipman John Clark.

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be requested to present a sword to the nearest male relation of Midshipman John Clark, who was slain gallantly combating the enemy in the glorious battle gained on Lake Erie, under the command of Captain Perry, and to communicate to him the deep regret which Congress feels for the loss of that brave officer.

Approved, February 19, 1814.